

Boundaries  
Building Inspection and Safety  
Charters and Ordinances  
Civil Defense  
Collective Bargaining  
Districts  
Dogs  
Education  
Elections  
Finance  
Fire and Police Protection  
Health and Sanitation  
Highways  
Housing  
Licenses and Permits  
Officers and Employees  
Penalties  
Planning, Zoning and  
Redevelopment  
Public Utilities  
Records and Documents  
Town Meetings  
Town Report  
Traffic Regulation  
Trees and Forests  
Welfare

# Handbook for Connecticut Selectmen

by  
Patricia Stuart



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# **HANDBOOK FOR CONNECTICUT SELECTMEN**

**1973 Edition**

**By**

**Patricia Stuart**

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July, 1973



## **FOREWORD**

A **Handbook for Connecticut Selectmen** was first published in January, 1951, as a part of the handbook series prepared and published by the Institute of Public Service. That handbook was substantially revised in 1960, and this 1973 edition incorporates the statutory changes made in the intervening years. Statutory references in this edition are current through the 1972 session of the general assembly.

This handbook is designed as a guide to the provisions of the general statutes of Connecticut which relate to the selectmen. However, the statutes must always be consulted for the complete provisions and for details of their application. Further, ensuing revisions and supplements to the general statutes and the public acts must regularly be consulted for amendments made by subsequent sessions of the general assembly.

For experienced selectmen this handbook will provide a convenient reference to the general statutes, while selectmen new to office will find it helpful in acquiring a basic working knowledge of their duties under the law. In addition, the handbook should continue to prove useful to teachers and citizens by bringing to them a more complete understanding of the numerous and varied duties for which selectmen are responsible in administration of town affairs.

The author of this revised edition is Patricia Stuart, Assistant Extension Professor on the staff of the Institute of Public Service. Completion of this project signifies another important contribution by Miss Stuart to the publications of the Institute and to the handbook series in particular.

Every effort has been made to make this handbook as complete and accurate as possible. The Institute of Public Service assumes responsibility for any errors and will be grateful to those readers who call them to our attention.

BELDON H. SCHAFER  
Director, Institute of Public Service

July, 1973

# TABLE OF CONTENTS

PART I. THE OFFICE OF SELECTMAN .....	1
Historical Background .....	1
Selectman as Chief Executive .....	2
Election Oath and Bond .....	4
Meetings of the Board .....	4
PART II. SPECIFIC DUTIES OF THE SELECTMEN .....	6
Boundaries .....	6
Building Inspection and Safety .....	6
Charters and Ordinances .....	7
Civil Defense .....	8
Collective Bargaining .....	9
Districts .....	9
Dogs .....	10
Education .....	11
Elections .....	11
Finance .....	15
Fire and Police Protection .....	18
Health and Sanitation .....	19
Highways .....	20
Housing .....	23
Licenses and Permits .....	24
Officers and Employees .....	26
Penalties .....	29
Planning, Zoning and Redevelopment .....	30
Public Utilities .....	31
Records and Documents .....	32
Town Meetings .....	34
Town Report .....	35
Traffic Regulation .....	36
Trees and Forests .....	37
Welfare .....	37
Miscellaneous .....	40
PART III. INDEX TO GENERAL STATUTES CONCERNING SELECTMEN .....	43
INDEX .....	56

# PART I

## THE OFFICE OF SELECTMAN

### HISTORICAL BACKGROUND

by Dr. Max R. White\*

The office of selectman, unlike some other offices in colonial America, was not imported from England, but gradually evolved in New England. It may have been influenced by the office of churchwarden in the English parishes, but it was more likely modeled on the board of assistants of the Charter of the Colony of Massachusetts. The first record of the use of the term "selectmen" is found in Charlestown, Massachusetts, in 1635. Connecticut had selectmen, who were called "townsmen," in the town of Hartford as early as 1639; and the term selectmen, is found in the first Code of Laws of Connecticut in 1650. In the seventeenth century, these officials were referred to in various towns and laws as select men, townsmen, select townsmen, or "those appointed to order the affaires of the town."

From the beginning, the selectmen exercised the general power to superintend the concerns of the town. Originally they carried out the instructions of the frequent town meetings which were held to decide the most minute details of town business. As the town meetings became more formal and were held at less frequent intervals, the selectmen acquired more discretionary power. Many of the important duties exercised by selectmen today originated in the seventeenth century. Among these are care of the poor and insane, administration of the financial affairs of the town, admission of electors, warning of town meetings, administering of oaths to elected officials, and seeing that the boundaries of the town are properly marked. The layout of highways was their responsibility in the early days, but the important function of the care of the highways was exercised originally by the surveyors of highways. The germ of the power to issue licenses and permits is revealed in their "nominating" taverners to keep houses of public entertainment.

Some of the powers exercised at various times by the selectmen have either been transferred to other officials or become obsolete. "Taverners" are now licensed by the state. The selectmen no longer meet twice a year with the justices of the peace, grand juries, constables, and tythingmen to consult about the suppression of profaneness, vice, and immorality, although they are still authorized to spend \$500 a year for the prosecution of crime. Nor are they now required to keep a stock of ammunition in the town. The selectmen were on the board of health from 1805 until 1893, when their duties were taken over by the town health officer. From 1714 to 1798, the selectmen and justices of the peace were required to inspect local schools once every quarter year and inquire into qualifications of the masters, the proficiency of the children, and give needful directions to increase knowledge, civility and religion.

\*Dr. White is a former professor of government at The University of Connecticut and author of the 1951 Edition of *Handbook for Connecticut Selectmen*.

The powers that the selectmen have gained since the seventeenth century have more than made up for those they have lost. After a considerable period of experimentation with various methods of providing for the care of the highways in the latter part of the nineteenth century, this function has come to rest largely with the selectmen. The various activities of the selectmen relating to elections were gradually added during the nineteenth and twentieth centuries, as the need for greater regulation of elections became apparent. Duties in the field of finance have expanded with the increasing expenditures of the towns. Social, economic, and technological changes have brought responsibilities in such fields as public utilities, housing, planning, zoning, aeronautics, and traffic regulation.

The number of selectmen has varied from town to town and from time to time, but a Connecticut law of 1673 provided that each town was required to elect a number of selectmen not exceeding seven. This remained the law until 1915 when it was provided that towns having a population of less than 10,000 should elect not more than three. The requirement that the minority party be represented among the selectmen was also introduced in 1915.

The office of first selectman must have existed in practice before 1860, but for the first time in that year the office was mentioned in a law, which provided that the first selectman should be town agent. In 1874, for the first time, the election of the first selectman separately from the other selectmen was provided by law. Since that time several powers have been vested in the first selectman alone, but it is still true that most powers are given legally to the selectmen as a body. The predominant position that the first selectman holds in most towns is the result almost entirely of custom.

The office of selectman originated in New England to meet the natural need for an executive agency for town affairs. From the beginning the board of selectmen had a central role in the government of the town. Their powers have gradually increased through the centuries. By custom, one of the selectmen has come to carry on the day-to-day activities of the board, and this position of first selectman is now recognized in the law.

A significant change in the legal basis of the office of selectman has taken place since this history was written. The requirement that every town elect selectmen was not continued in the state constitution adopted in 1965. Until then selectmen had been elected in each of the 169 towns although in those with the mayor-council and council-manager forms of government the selectmen's only duty had been the constitutionally imposed one of registering voters. The 1965 constitution, in addition to removing the requirement that selectmen be elected, provides that the general assembly establish procedures by which the qualifications of voters are determined. Under these statutes the selectmen are no longer required as members of the board for admission of electors. A scanning of the town officials listed in the 1972 Connecticut State Register and Manual indicates that only fourteen towns have thus far dropped the office completely.

#### **SELECTMEN AS THE CHIEF EXECUTIVE**

The selectmen shall superintend the concerns of the town. From this

short, but all-inclusive, statement derives the unique position of the board of selectmen in the ninety-four Connecticut towns which operate under the selectmen-town meeting form of government as provided by the general statutes. The selectmen have certain legislative powers—they convene the town meeting; they draft ordinances which the meeting adopts; they make certain appointments which in consolidated towns and cities are made by the legislative body. The selectmen are the principal administrative officials of the town—they build and maintain highways; they keep the town's financial accounts; they administer the town's welfare services; they appoint administrative boards and commissions.

All of the major powers and duties which have been delegated by the state have been given to the board of selectmen; only a few administrative duties are given exclusively to the first selectman. However, some recently enacted statutes have delegated powers to the chief executive officer, chief executive authority, or administrative head of the town. These phrases are not defined in the statutes, nor is their meaning clear from the context of the provisions themselves. For example, the chief executive officer is a non-voting member of the town planning commission; the chief executive officer must appoint a civil service commission when the town votes to create one; the chief executive officer appoints the town civil defense director; the administrative head of the town government approves destruction of town records. Nowhere is it stated whether these powers are given to the board of selectmen or to the first selectman, but in practice they are undoubtedly exercised by the first selectman.

Section 7-12a of the general statutes merits some consideration in this connection. This section states that "in each town for which its board of selectmen is the executive authority" the first selectman is to be a non-voting member of all town boards, commissions and committees. The strength which this section gives to the first selectman's position as a coordinator of the activities of the many town boards and commissions is obvious. Perhaps less obvious is recognition of the role which the state supreme court of errors set aside for the first selectman when it stated: "The selectmen are a board or committee of the town and their duties are collective. It is convenient, if not necessary, to the orderly and efficient conduct of their business, that they should have a head or chairman who may act for them in matters of routine and other matters which have received their approval. For a long time one of the selectmen has occupied this rank or position and has been called first selectman . . ." (Buck v. Barnes, 75 Conn 462-63).

In a not insignificant number of Connecticut towns, the first selectman is a full-time administrative officer, indeed a chief executive. He is paid for his full-time services; he is the road superintendent, the welfare director, the town's accountant and fiscal officer, and the coordinator of all the activities of the town's government. The first selectmen who function in this manner, however, do not do so without assistance from the other board members. More often than not in these towns the board meets at regular intervals, as often as once a week, to discuss details of day-to-day administration as well as to make policy decisions. These towns represent the extreme sophistication of Connecticut's traditional form of town government.

## **ELECTION, OATH AND BOND**

The selectmen are elected at the biennial town or city election. Most towns elect a first selectman and two other selectmen; towns over 10,000 population may elect six selectmen in addition to the first selectman. Votes cast for the unsuccessful candidate for first selectman are counted for him as a member of the board, provided no person can be a candidate for first selectman and also for the board at the same election (S.9-188).

When a vacancy occurs in the office of selectman, it is filled within thirty days by the remaining members of the board. They may appoint one of themselves to the office of first selectman and then fill the remaining vacancy on the board. If the vacancy is not filled by the board within thirty days, it is filled by vote of the elective town officers of the same political party as the person vacating the office or, if he did not belong to a political party, by all the elected town officers. The term, "town officers," does not include state representatives, justices of the peace, or town officers who serve on town boards whose members are not elected at one town election for the same term. The vacancy is filled for the remainder of the unexpired term or until a special election is called in accordance with section 9-222 (S.9-222).

The selectmen must be electors of the town; if a selectman ceases to be an elector, he may no longer serve as selectman (S.1-1c; S.9-186). No more than a bare majority of the selectmen may be of the same political party (S.9-188). If the number of selectmen to be elected is even, a voter may vote for only one-half that number; if the number to be elected is odd, a voter may vote for no more than a bare majority (S.9-188). A selectmen may not also hold the office of town clerk, town treasurer, tax collector, judge of probate or registrar of voters (S.9-210).

Before entering upon the duties of their office, the selectmen must be duly sworn. The person administering the oath must file a certificate that the oath has been taken with the town clerk who records it (S.7-10; S.1-22; S.1-25).

The selectmen must furnish bond to the town. The bond must be good and sufficient, satisfactory to the town treasurer, and conditioned on the faithful performance of the duties of the office. In towns of 15,000 population and over in which the selectmen are the financial agents of the town, the bond for first selectman is not less than \$3,000 and for the other selectmen, \$2,500. The town meeting may require a higher amount. In all other towns, the town meeting may set the amount of the selectmen's bond, but not more than \$3,000 (S.7-11).

## **MEETINGS OF THE BOARD**

The meetings of the board of selectmen must be open to the public when in session. Meetings may be closed for executive session by vote of a majority of the members present and voting (S.1-21).

The board of selectmen must keep accurate minutes of its meetings which must be open to public inspection at reasonable times (S.7-12b; S.1-19). The votes of each member of the board upon any issue coming before it must be recorded in the minutes of the meeting at which the vote was taken (S.1-21).

The chairman or secretary of the board must file, not later than January 31 of each year, with the town clerk the schedule of regular meetings of the board for the coming year. No meeting of the board shall be held sooner than thirty days after this schedule has been filed (S.1-21).

Notice of special meetings of the board must be given not less than twenty-four hours prior to the time of the meeting by posting a notice of the time and place of the meeting in the town clerk's office. In the case of an emergency, a special meeting may be held without complying with this notice requirement, but a copy of the minutes of the meeting, setting forth the nature of the emergency and the proceedings of the meeting, must be filed with the town clerk not later than seventy-two hours following the holding of the meeting (S.1-21).

Meetings which are open to the public under section 1-21 may be broadcast or recorded for broadcast by any radio broadcasting company located or having transmission facilities within the state. Television cameras of any television broadcasting company may be so located within the room as to permit the broadcasting either by radio or by television or by both of the proceedings of the meeting. The board of selectmen may adopt rules governing the use of broadcasting equipment. In order to apply at a meeting, such rules must have been adopted prior to the meeting. In the absence of adoption of rules prior to the meeting, broadcasting must be permitted (S.1-21a).

## PART II

# SPECIFIC DUTIES OF THE SELECTMEN

The specific duties of the board of selectmen in towns which operate under the general statutes and in which these duties have not been delegated by special legislation to another executive officer have been grouped here under twenty-five headings. Because of the large number and variety of activities which the selectmen perform, no attempt has been made to quote the applicable statutory provisions in their entirety. It is necessary to consult the statutes in every instance for the details of carrying out the obligations stated. In many instances some of the duties may be carried out under very special circumstances which are not detailed in this booklet. Some responsibilities are shared with other town officials or with private individuals and corporations; these other persons have not been listed in most cases.

For convenience the statutory references have been included in the text. For example, (S.7-188) refers to section 7-188, i.e. section 188 of Title 7, of the 1958 Revision of the General Statutes of Connecticut as amended. The supplements, published after 1958 as additions to the volumes of the general statutes, should be used for the most recent changes in any section and for new sections added. Part III of this handbook contains a complete index to all of the statutory provisions affecting the office of selectman at the present time.

### BOUNDARIES

**Boundary Markers.** Each town must have its boundaries set out by plain and durable marks and monuments of the type specified in the statutes (S.7-113).

**Review of Boundaries.** Once in each five years the selectmen must appoint and pay two or more persons to perambulate the boundary lines and renew the bounds and monuments. This requirement applies to boundaries with other towns and with a city or borough in the town or in an adjoining town. Any town which neglects to do this must forfeit \$15.00. (S.7-114).

### BUILDING INSPECTION AND SAFETY

**Safety in Public Buildings.** In all towns and parts of towns not within the limits of a city or borough, the selectmen must require that all churches and schoolhouses and all public halls have safe exits and are arranged to promote the comfort and safety of persons visiting them. The selectmen may require that buildings be closed until these requirements are complied with (S.19-377).

**Examination of Buildings.** The selectmen may examine any building or proposed building in the town with reference to its safety and order correction of any abuse of the general statutes or ordinances. An attested copy

of the order must be left at the usual place of abode of the occupant and the owner or builder of the building. The owner, builder or occupant may appeal the order to the court of common pleas. (S.19-379).

**Building Inspector.** In towns without a building inspector, the first selectman may perform or designate an assistant to perform the duties of an inspector. These duties include inspection of buildings reported to be hazardous and ordering their repair or removal. In performance of these duties, the first selectman has right of entry to all buildings between the hours of 9:00 a.m. and 5:00 p.m. (S.19-391).

**State Building Code.** The state building code, including any amendments adopted by the state building inspector and state building code standards committee, shall be the building code for all towns, cities and boroughs (S.19-395e). The chief executive officer of any town, city or borough, unless other means are already provided, shall appoint a building official to administer the code for a term of four years. Two or more communities may combine in the appointment of a building official (S.19-396). Sections 19-397 and 19-397a prescribe the qualifications for building officials.

## CHARTERS AND ORDINANCES

### Home Rule Charter

**Vote to Draft Charter.** The board of selectmen may, by a two-thirds vote of the entire membership of the board, initiate action to draft a charter for the town or revise an existing charter. Ten percent of the voters may petition the selectmen to initiate such action (S.7-188).

**Charter Commission.** Within thirty days after the vote or petition to draft a charter, the selectmen must by resolution appoint a charter commission or charter revision commission. The commission must have not less than five nor more than fifteen members who are electors of the town, not more than one-third of whom hold office in the town, and not more than a bare majority of whom are members of the same political party. The selectmen must specify by resolution when the commission must report the proposed charter or amendments, but the report must be made not later than one year from the date of its appointment (S.7-190).

**Public Hearing and Recommendations.** Within thirty days after receiving the report of the commission, the selectmen must hold a public hearing on it; within fifteen days after the hearing they must make recommendations to the commission for proposed changes in the report. If no recommendations are made, the report as submitted is deemed final. The commission may confer with the selectmen about their proposed changes and may reject the recommendations. The commission must make its final report to the selectmen within thirty days after receiving their recommendation (S.7-191).

**Approval of Charter.** Within fifteen days after receiving the final report of the commission, the selectmen must approve or reject the proposed charter or amendments. No further action can be taken on rejected provi-

sions for one year unless, within forty-five days after a vote of the appointing authority to reject, a petition for a referendum on the charter signed by 15 percent of the electors is presented to the appointing authority. An approved charter or amendments must be published in full at least once in a newspaper published or circulated in the town within thirty days after approval (S.7-191).

**Referendum.** The selectmen must determine, by a majority vote of the entire board, whether the charter or amendments will be submitted to the electors at a regular or special election. The election must be held not later than one year after the selectmen approve the charter or amendments. The charter or amendments become effective if approved by a majority of the electors voting on them at a regular election or by a majority equal to 15 percent of the electors of the town at a special election (S.7-191).

**Home Rule Ordinances.** The selectmen may initiate action to adopt a home rule ordinance in substitution for a special act relating to the town's government. The ordinance may contain the provisions of the special act, with or without changes not inconsistent with the constitution or general statutes, and may amend or repeal any home rule ordinance (S.7-188). A home rule ordinance commission is appointed in the same way that a charter commission is appointed (S.7-190). Adoption of the ordinance follows the same procedure as that for a charter or charter amendments (S.7-191).

### **Ordinances and Special Acts**

**Publication of Ordinances and Special Acts.** All towns must compile and publish in permanent form all town ordinances and special acts relating to the town. This compilation must be kept up-to-date by publication of biennial supplements on or before March 1 of each even-numbered year. The compilation and supplements must be available for sale to the public at a reasonable cost (S.7-148a).

## **CIVIL DEFENSE**

**Town Director and Advisory Council.** Every town or city in the state must establish a local organization for civil defense in accordance with the state civil defense plan and program. Two or more towns or cities, with approval of the state civil defense director, may establish a joint civil defense organization. The local organization must include an advisory council and a director appointed by the chief executive officer of the town. The advisory council must include representatives of town agencies concerned with civil defense and representatives of interests which are important to the civil defense program in the town including business, labor, agriculture, veterans' and women's groups and others. (S.28-7).

**Outside Aid.** The chief executive authority of the town or city may request assistance from another municipality in an emergency. (S.28-8).

**Federal Aid.** The chief executive authority of the town may accept offers of aid from the federal government or any person, firm or corporation and may authorize any officer of the town to receive such aid (S.28-15).

## COLLECTIVE BARGAINING

**Right to Bargain Collectively.** Municipal employees, as defined in section 7-467, have the right of self-organization; to form, join or assist any employee organization; to bargain collectively through representatives of their own choosing on questions of wages, hours and other conditions of employment; and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, free from interference, restraint or coercion (S.7-468). Elected officials and administrative officials are among those excluded from collective bargaining (S.7-467).

**Duty to Bargain Collectively.** The municipal employer and the employee organization designated as exclusive representative of employees in a bargaining unit have the duty to bargain collectively through appropriate officials or their representatives (S.7-469). Collective bargaining is the performance of the mutual obligation of the municipal employer or his designated representative and of the employees' representative to meet at reasonable times, including meetings appropriately related to the budget-making process, and to confer in good faith with respect to wages, hours and other conditions of employment, the negotiation of an agreement or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party. But this obligation does not compel either party to agree to a proposal or require the making of a concession (S.7-470, subsec. c).

**Negotiations between Employer and Employees.** The chief executive officer or his designated representative shall represent the municipal employer in collective bargaining with the designated employee organization (S.7-474, subsec. a). Agreements reached by the negotiators must be reduced to writing. Where the legislative body is the town meeting, approval of the agreement by a majority of the selectmen makes it valid and binding upon the town and the board of finance must provide whatever funds are necessary to comply with the collective bargaining agreement (S.7-474, subsec. b).

## DISTRICTS

**Definition.** A district is defined as any fire, sewer, fire and sewer, and lighting district, village, beach or improvement association, and other district or association, except school district, which is wholly within a town and which has power to make appropriations or to levy taxes. (S.7-324).

**Formation of a District.** Twenty or more voters who do not live in a city or borough within the town may petition the selectmen to call a meeting of the voters in a proposed district to vote on the formation of a district. The petition must specify the limits of the district which may not include any part of a city or borough and the purposes for which it is being organized. The selectmen designate the place and time for the meeting which must be held within thirty days after the petition is filed. A written notice of the meeting, signed by the selectmen, is posted on a town signpost and in some prominent place in the district at least fourteen days before the date of the meeting; the notice is also printed in two successive issues of a newspaper published or circulated in the town. (S.7-325).

**Port District and Authority.** Any town may, by vote of its legislative body, establish a port district. The affairs of the district are administered by a port authority of from five to seven members. Members of the port authority are appointed by the chief executive of the town and serve for a term of office prescribed by the legislative body. Vacancies are filled by the chief executive for the unexpired term. Members serve without compensation except necessary expenses (S.7-329a). The powers and duties of a port authority are defined in section 7-329c.

## DOGS

**Dog Warden.** The chief of police in towns and cities which have a police department and the selectmen or chief executive officer of each town which has no police department, or other appointing authority designated by the town charter, must appoint a warden and assistants as deemed necessary to administer and enforce the laws relating to dogs. Qualifications for dog wardens shall be prescribed by the commissioner of agriculture, and the term of office shall be at least one year (S.22-331, subsec. b). Full-time wardens are required in towns and cities having a population over 25,000 which have adopted the provisions of chapter 113 of the general statutes or otherwise provided a merit system (S.22-331, subsec. a). Appointments made under this section must be promptly reported to the commissioner (S.22-311, subsec. c).

**Regional Canine Control Officers.** Two or more contiguous towns, each of which has less than 25,000 population, and which have provided or will provide a dog pound within their region may agree, by action of their legislative bodies, to be served by a regional canine control officer. The agreement must be certified to the commissioner of agriculture, who may establish the region (S.22-331a).

**Damage by Dogs.** A person who sustains damage by dogs to certain domestic animals which have been confined according to law shall report the damage to the chief administrative officer or his agent of the town in which such damage was sustained. The report must be made with twenty-four hours or, if on a weekend, on the next succeeding business day. The chief administrative officer or his agent and the person claiming the damage must estimate the amount of the damage. Claims for damages may not be allowed to anyone who owns, keeps or has in his possession an unlicensed dog over six months of age or who fails to report within the time specified (S.22-355, subsec. a). Provision is made for the person who has sustained dog damage to institute a civil action against the town if the chief administrative officer or his agent fails to meet the requirements of the statute (S.22-355, subsec. d). The chief administrative officer must report a notice of dog damage to the commissioner of agriculture within twenty-four hours (S.22-355, subsec. e).

**Compensation for Dog Damage.** The town pays the amount of the damage and the compensation of the person assisting in estimating the amount of the damage. It may recover this amount from the owners or keepers of the dogs if they are residents of the town. If the owners or keepers

are nonresidents, the town may recover from the town of their residence (S.22-355, subsec. b).

**Dog Pound.** Every town must provide and maintain a comfortable sanitary building for use as a dog pound (S.22-336).

**Pasteur Treatment.** The selectmen must provide Pasteur treatment for persons injured by rabid dogs or other animals upon receiving a certificate of necessity for the treatment from a physician. The town pays for the treatment and may be reimbursed by the state for it (S.22-360).

**Registration of Dogs.** The selectmen must annually, at least thirty days before June 30, post on the town signpost the provisions of the statutes relating to the licensing of dogs (S.22-337).

## EDUCATION

**School Districts.** When a school district lays a tax based on the town grand list, the selectmen and assessors sit as a committee to exercise the functions of the board of tax review with regard to changes in the list (S.12-200). The selectmen and town board of education sell any property belonging to an abolished school district (S.10-246).

**Hardship Grants.** The town meeting may direct the selectmen or the chairman of the board of education to apply to the state board of education for a hardship grant to finance a school building project (S.10-288).

**Truant Officers.** The selectmen approve fees to be paid to officers arresting truants; the arresting officer must present a written statement showing the name of the child, the day of the arrest, and the school to which the child was returned. (S.10-201).

## ELECTIONS

### Admission of Electors

**Board for Admission of Electors.** The selectmen and the town clerk are members of the board for admission of electors unless the legislative body of the town votes to change the membership of the board as provided in section 9-15c. If a member of the board is unable to attend a session of the board, he shall designate another elected officer of the town to act for him by filing a statement of designation in writing with the town clerk anytime prior to opening of the session (S.9-15c).

**Qualifications of Electors.** Persons meeting the following qualifications may be admitted as electors:

- (1) Citizen of the United States;
- (2) Eighteen years of age or over;
- (3) Resident of town in which they apply at the time of application;

(4) Good moral character (U.S. Constitution, 26th Amendment; Conn. Constitution, Article Sixth, Sec. 1; Federal Voting Rights Act Amendments of 1970, Sec. 201; S.9-12).

No idiot or mentally ill person may be admitted as an elector (S.9-12).

**Sessions of the Board for Admission of Electors.** The board for admission of electors must hold a session to examine the qualifications of electors and admit to the elector's oath those found qualified —

(1) On the first Saturday after Labor Day for at least four hours between 9:00 a.m. and 8:00 p.m.;

(2) On the Saturday of the sixth week before each regular election for at least four hours between 9:00 a.m. and 8:00 p.m. This session may be publicly adjourned from time to time until —

(3) The Saturday of the fourth week from 9:00 a.m. until 8:00 p.m. and the board must designate one or more admitting officials to hold at least two sessions from 7:00 p.m. to 9:00 p.m. during this two week period;

(4) On the last weekday before the election for not less than two hours between 9:00 a.m. and 5:00 p.m. This session is limited to admitting those whose rights have matured since the last regular session (S.9-17).

If the Saturday of the sixth week or of the fourth week falls on a day which the tenets of a religion forbid secular activity, the board must also meet on the next succeeding day other than a Sunday or legal or religious holiday for the same hours as the Saturday session. The board may designate one or more admitting officials to hold this session (S.9-17). An admitting official is defined as the town clerk, assistant town clerk, registrar of voters, deputy or assistant registrar of voters or the board for admission of electors (S.9-17a).

The board or one or more admitting officials designated by the board must hold a session for the admission of electors in the months of April, June, August and December on a day designated by the board from 7:00 p.m. to 9:00 p.m. and for such other hours between 9:00 a.m. and 7:00 p.m. on this day as the board designates (S.9-18a).

The legislative body of the town may authorize additional sessions of the board to be held for not less than two hours between 9:00 a.m. and 8:00 p.m., but no session may be held during the four weeks prior to the election (S.9-19).

**Admission by Town Clerk or Registrar of Voters.** The town clerk, assistant town clerk, either registrar of voters, deputy registrar or assistant registrar may examine the qualifications of electors and administer the elector's oath during office hours at the office of such officials. Registrars of voters, their deputies or assistants may admit voters at any enrollment session or at any public place on days and at times of which five days notice has been given. These officials may not admit voters during the period between the last regular session of the board and the day following the elec-

tion, except that persons whose rights have matured since the last regular session may be admitted up to the time of the limited session provided in Section 9-17 (S.9-19b). Upon applying and being given the elector's oath by one of these admitting officials, electors are fully admitted and their applications need not be acted upon by the board (S.9-20).

Any applicant whose application is rejected by the admitting official to whom he applies may apply for reexamination at any session of the board for admission of electors (S.9-31j). Any elector in any town claiming that an admitting official has wrongfully admitted an applicant may appeal to the board for admission of electors to review the admission (See S.9-31k for details of this procedure).

**Procedure for Admitting Electors.** Each person who applies for admission as an elector must complete, under oath, the form prescribed by the secretary of the state. Upon the request of any elector of the town, at the time application is made or prior to its approval, the admitting official must require the applicant to prove his identity, place of birth, age and residence by testimony under oath of at least one elector or by presentation of proof satisfactory to the admitting official. Any member of the board for admission of electors may administer oaths in any matter coming before the board. The board may prohibit any activity which interferes with the orderly process of admission of electors (S.9-20).\*

**Appeal from Actions of Registrars of Voters.** If a registrar of voters refuses to enter the name of any person claiming to be entitled to registration on the list or to allow a name entered on the first list to remain thereon, any elector including the person whose right is in question may appeal to the board for admission of electors for a hearing. The statutes prescribe the procedure for this hearing (S.9-44).

**Instruction of Electors.** The board for admission of electors must provide, at each of its sessions, a voting machine for instruction of new electors (S.9-22).

#### **Other Election Duties**

**Distance Markers at Polling Places.** The selectmen must provide suitable markers to indicate the 75 foot distance from the entrance of each polling place. The size and wording on these markers is prescribed by statute (S.9-236).

**Rooms for Holding Elections.** The selectmen, unless otherwise provided by law, must provide or may authorize the registrars of voters to provide, a suitable room or rooms and voting machine booths for holding all elections. The interior of the booths must be secure from outside observation (S.9-240).

**Voting Machines.** The selectmen must provide for each polling place, in accordance with section 9-238, one or more voting machines in complete

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\*Provision is made by state statute for special sessions of the board for admission of electors to be held to admit members of the armed forces (S.9-25).

working order. The selectmen have custody of voting machines and must keep them in repair. They also have care and custody of the furniture and equipment for the polling place between elections (S.9-240).

The board of selectmen of each town must purchase, lease, or otherwise provide voting machines approved by the secretary of the state sufficient to provide one voting machine for each 900 or fraction of 900 electors whose names appear on the last completed registry list of the town. In towns divided into voting districts a voting machine must be provided for each 900 electors or fraction of 900 electors whose names appear on the last completed registry list of each district (S. 9-238). In addition, the selectmen must provide in towns of less than 5,000 voters one additional voting machine; in towns of 5,000 to 25,000 population, at least two additional voting machines; in towns 25,000 to 50,000, at least three additional voting machines; and in towns over 50,000, at least four additional voting machines. The selectmen may provide, in towns under 5,000 population, for a supply of paper ballots in lieu of the additional machine (S.9-238; see this section for details of procedure for substituting paper ballots for spare machines).

No voting machine manufactured prior to January 1, 1927, may be used in any election in this state. No voting machine manufactured after this date may be used if, in the opinion of the secretary of the state, it does not conform to the requirements of law or is unsuitable for use in an election. When a voting machine is purchased or leased by the selectmen, they must notify the secretary of state, in writing, of the name or make of the machine, the name of its manufacturer, the name of the person from whom it was purchased or leased, the date of purchase or lease, and its serial number. When a voting machine is discontinued from use or is sold, the selectmen must send written notice to the secretary of this fact, of the time or reason for discontinuance, and of the same information required for a new machine (S.9-238). The town clerk must annually notify the secretary of the number of registered voters and voting machines in the town and must file a duplicate of this notice with the selectmen (S.9-238a).

The selectmen, as the officials responsible for providing voting machines in towns, must arrange for examination of each voting machine not more than seven months or less than one month prior to each regular election. This examination must be made by the company manufacturing the machine or its successor or, with approval of the secretary of the state, by persons skilled in the mechanics and operation of voting machines and is for the purpose of determining that the machine is in proper operating condition for use in the election. The inspectors must file a report of the inspection with the secretary and the selectmen. Machines found not in sound operating condition must be repaired or replaced (S.9-240a).

**Sample Ballot Labels.** The board of selectmen or the town clerk shall provide for all polling places using voting machines at least three sample ballot labels in the form prescribed in section 9-255.

**Special Town Elections.** A special town election may be convened when the board of selectmen deems it necessary. A special town election

shall be held not earlier than the ninetieth day following the day when the town clerk, upon instruction from the board of selectmen, issues a warning for the election by publishing a notice in a newspaper having general circulation in the town. On application of twenty electors of the town, the town clerk shall, within ten days after receiving the application, issue the warning for a special town election, which shall be held on a day prescribed by the selectmen not earlier than the ninetieth day and not later than the one hundredth day following the day of the warning. (S.9-164).

## FINANCE

**Budget.** In towns without a board of finance, the selectmen present to the annual town meeting or to the annual budget meeting itemized estimates of the expenses of the departments of the town for the coming year (S.12-122; S.7-388). In towns which have adopted the uniform fiscal year statutes and which have no board of finance, the selectmen must publish the budget in accordance with section 7-344. The budget must include the items specified in sections 7-344 and 7-390 (S.7-390). The town meeting must make specific appropriations for all purposes authorized by law and provided for in the warnings of meetings at which appropriations are made (S.7-121).

**Expenditures.** No town officer may expend or contract for expenditure of more than is appropriated for any department. In cases of necessity connected with the repair of highways, bridges, sidewalks and water and sewer systems and the care of the town poor, appropriations may be exceeded by \$1,000 (S.7-348).

**Additional Appropriations.** In towns with boards of finance, when it becomes necessary to spend more than has been appropriated for any department, the selectmen must notify the board of the need for an additional appropriation. The board may make the necessary appropriation. However, the appropriation must be approved by town meeting (1) in towns where the grand list is less than \$20 million, if the amount required, together with any additional appropriations made by the board for the department during the fiscal year, exceeds \$1,000 and (2) in towns where the grand list is more than \$20 million if the amount required, together with any other additional appropriations made during the fiscal year, exceeds \$2,000. No more than one additional appropriation for any one department shall be made in one year without town meeting approval. The board of finance may make additional appropriations for the care of town poor without town meeting approval not to exceed in the aggregate \$2,000 in towns where the grand list is less than \$20 million or \$4,000 in towns where the grand list is more than \$20 million (S.7-348).

When appropriations are not made before the beginning of the fiscal year, the disbursing officers may make necessary expenditures during the first ninety days of the fiscal year. Proper warrants must be used and the amounts must be authorized by the appropriating body — the board of finance or the selectmen. These expenditures constitute the first charges against appropriations for the fiscal year in which they are made (S.7-405).

**Accounts.** The selectmen must use the selectmen's distribution book and selectmen's orders prescribed by the state tax commissioner. The town

may us another accounting system if it is approved by the commissioner (S.7-399).

**Bonds and Borrowing.** Any town issuing bonds may authorize the selectmen or board of finance to determine the rate of interest and the time of payment of bonds (S.7-370).

**Tax Collector.** The selectmen fix the amount of the tax collector's bond, which must be procured from a surety company of good standing. The premium on the bond is paid by the town (S.12-136). The selectmen may appoint an acting tax collector when the collector becomes unable to perform his duties. The appointment must be in writing, and the acting collector must be sworn and bonded (S.12-137). If the tax collector refuses to receive the rate bill, to give bond, or to collect and pay the tax within the time limit and returns the rate bill, the selectmen may deputize some person to collect the sums due on the rate bill (S.12-136).

**Rate Bills.** The selectmen are responsible for making out and signing rate bills showing the proportion each taxpayer must pay according to the assessment list. This means that the selectmen prepare the tax collector's rate book which itemizes the taxes due from each taxpayer. The selectmen must have a judge of the circuit court or a justice of the peace issue a warrant for the collection of the rate bill (S.12-130). The selectmen or town clerk assigns a number to each tax account (S.12-134). If the towns fails to lay necessary taxes or to lay a tax sufficient to pay the town's current expenses, the selectmen must make a rate bill for the needed amount and have it collected (S.12-123).

**Receipts for Taxes Paid.** The town must supply the collector with record receipt books which contain forms in duplicate, consecutively numbered. The selectmen may issue a duplicate receipt where the original has been mutilated or lost (S.12-151).

**Abatements and Refunds of Taxes.** The selectmen may abate taxes, or the interest on delinquent taxes, or both, of persons who are poor and unable to pay; they must present a list of these persons to the annual town meeting (S.12-124). The selectmen may also abate taxes of a corporation if the amount of taxes due by the corporation is a handicap to receiving a federal working capital loan. A written application for the abatement must be made; and a hearing may be held on the application and the facts stated in it (S.12-125).

The selectmen must approve abatement or refund of taxes on personal property assessed in more than one town, taxes paid by blind persons where proof of exemption has been delayed, taxes erroneously collected from veterans or their relatives, and excess payments. The tax collector receives applications for these abatements or refunds and turns them over with his recommendations to the selectmen who take final action (S.12-126; S.12-127; S.12-128; S.12-129).

**Transfers to Suspense.** In towns without a board of finance, the selectmen must examine the tax collector's list of uncollectible taxes and desig-

nate each tax which they believe to be uncollectible. These taxes may be transferred by the collector to the suspense tax book (S.12-165).

**Deferred Collection.** The selectmen authorize the tax collector to defer collection of property taxes when application for deferment is made (S.12-174).

**Tax Liens.** The selectmen may discharge liens filed to secure payment of taxes when the tax is abated or paid or on advice of the town counsel. A certificate discharging the lien must be filed in the land records (S.12-179). The town must pay the tax collector the reasonable cost of keeping the record of undischarged liens up-to-date (S.12-170).

**Lists of Taxpayers.** The selectmen must preserve the lists of taxpayers delivered by the collector to the town treasurer until the collector's accounts are finally settled (S.12-149).

**Actions against the Tax Collector.** The selectmen must enforce forfeiture by the tax collector of his compensation when the collector has illegally retained tax money or tax lists (S.12-147). When a collector fails to collect and pay taxes within the time set by law, the selectmen apply to a judge of the circuit court for an execution against the collector. The selectmen may apply to the superior court for removal of a collector who fails to perform his duties (S.12-154).

**Annual Audit.** The budget-making authority of the town annually must select an independent public accountant, approved by the state tax commissioner, to audit the town accounts. Towns which had average annual receipts from property taxation during the preceding three years of not more than \$75,000 may request the state tax commissioner to audit their books. The cost of this audit is borne equally by the town and state. Towns which had average annual receipts between \$75,000 and \$200,000 during the preceding three years may also have the tax commissioner audit their books. The cost of this audit is borne entirely by the town (S.7-392).

**Town Treasurer.** The selectmen fix the amount of the town treasurer's bond which must be procured from a surety company of good standing approved by them. The premium on the bond must be paid by the town (S.7-79). The treasurer of the town deposit fund must execute a bond payable to the selectmen (S.7-355). The selectmen may appoint an assistant town treasurer who is sworn and bonded (S.7-82). The treasurer's record of receipts and payments are presented to the annual town meeting after adjustment by the selectmen (S.7-80).

**Deposit and Investment of Town Funds.** The selectmen may on request of any custodian of public funds designate banks which will be depositaries of public funds. The designation, which must be in writing, is filed with the town clerk and may specify the funds and maximum amounts to be deposited in each depository (S.7-401). The town treasurer may, with approval of the town's budget-making authority, invest temporarily in direct obligations of the United States any portion of bond proceeds or other funds, including the general fund, as are deemed available for this purpose (S.7-400).

**Selectmen's Orders.** The selectmen must adjust and settle all claims against the town and draw orders on the treasurer for their payment. The selectmen must make a monthly sworn statement to the town treasurer of the amount, number and date of each town order drawn by them. They must keep a true and permanent account of all expenditures; this account is verified under oath at the end of the year and made available for auditing and public inspection (S.7-12). All orders drawn by the selectmen on the treasurer must be signed by a majority of the selectmen and must be in duplicate or upon an order which has an attached stub. The duplicate or stub must contain a comprehensive statement of the amount and purpose for which the order was drawn (S.7-13; S.7-83).

**Municipal Reserve Fund.** Upon recommendation of the board of finance or of the selectmen in towns without a board of finance, the town meeting may create a reserve fund for capital and nonrecurring expenditures (S.7-360). In towns without a board of finance, the selectmen make recommendations to the town meeting for payments into the fund, direct the treasurer to invest the fund, and recommend use of the fund (S.7-361; S.7-362; S.7-364).

**Appeals from Action of the Tax Commissioner.** Any town aggrieved by an action of the state tax commissioner may appeal to the superior court (S.12-33).

**Uniform Fiscal Year.** In towns without a board of finance, the selectmen have specified duties in connection with changing to the uniform fiscal year (S.7-382 through S.7-390).

## FIRE AND POLICE PROTECTION

**Fire Department.** The town meeting may establish a town fire department under the management of the board of selectmen. The selectmen may make regulations for conduct of the department; appoint, discipline and remove department employees; and purchase supplies and equipment for its operation. The town meeting may direct that the selectmen enter into an agreement with volunteer fire companies for fire protection in the town and prescribe conditions of financial assistance and regulation by the board of selectmen. A town fire department may not supersede any volunteer company which owns property without first making an agreement with the company as to the disposition of, and compensation for, the property (S.7-301).

**Fire Police.** The authorities having supervision of the fire department of any town, city, borough or district may appoint any number of persons they deem necessary to be fire policemen of the municipality or district. Fire police have the power and perform the duties of special constables (S.7-313a).

**Fire Marshals.** The selectmen, in towns where there is no board of fire commissioners or other similar board, appoint a town fire marshal and deputy fire marshals. Preference for these appointments must be given to regular or volunteer firemen (S.29-45). Local fire marshals holding office in

any municipality must be certified by the state fire marshal (S.29-45a). Towns may combine to appoint a fire marshal (S.29-48).

**Board of Police Commissioners.** Any town may, by ordinance, establish a board of police commissioners to organize and maintain a town police department (S.7-274). The selectmen may fill vacancies on this board (S.7-275).

**Special Constables.** The chief executive officer of any municipality may appoint any number of special constables as he deems necessary to preserve the public peace within the municipality. They may serve for terms of not more than two years or during any public celebration or gathering, riot or unusual excitement. They have the authority of constables to serve criminal process and make arrests (S.7-92). Specific provision is made for appointment of watchmen and janitors of buildings as special constables (S.7-93; S.7-94; S.7-95; S.7-96).

**Police Surgeon.** The selectmen may appoint a police surgeon (S.7-291).

**Police Powers of the Selectmen.** Any selectman has the power to disperse riotous assemblies and persons loitering on or near highways (S.53-169; S.53-171; S.53-179). The selectmen may expend a sum not exceeding \$500 a year for the detection and prosecution of crime (S.7-15). The selectmen may build or lease a lockup for persons awaiting trial (S.7-134). The selectmen may offer a reward of not more than \$200 for information leading to arrest and conviction of persons committing high crimes (S.54-49).

**Police Assistance between Municipalities.** The chief executive officer of any town, city or borough may whenever he determines it to be necessary in order to protect the safety or well-being of his municipality, request the chief executive officer of any other municipality to furnish police assistance (S.7-277a.)

## HEALTH AND SANITATION

**Director of Health.** The chief executive officer of each town, unless the town charter provides otherwise, must nominate a director of health for the town. The nomination must be confirmed or rejected by the legislative body of the town within thirty days. The director of health must be either a licensed physician or hold a graduate degree in public health as the result of at least one year's training including at least sixty hours in local public health administration in a recognized school of public health or have a combination of training and experience approved by the public health council. The director holds office for a term of four years from the date of his appointment (S.19-75). Any town, by vote of its legislative body, may enter into a contractual arrangement with a hospital approved for this purpose by the public health council to appoint jointly a director of health (S.19-75a). A certificate of the appointment must be filed with the state commissioner of health (S.19-77). Regulations of the director of health must be approved by the state health department; the department must give notice of a hearing on the regulations to the selectmen and the director (S.19-82).

**District Department of Health.** If the town votes to join a district department of health, the board of selectmen appoint one member to the board of the district for a term of three years. Any town having a population over 10,000, as annually estimated by the state department of health, is entitled to one additional representative for each additional 10,000 population or part thereof, provided no municipality may have more than five members (S.19-106).

**Swamp Lands.** The selectmen direct the draining or filling of swampy or wet places which are judged to be unhealthy by the town director of health (S.19-86).

**Water Pollution.** If the commissioner of environmental protection finds that a municipality is causing pollution of the waters of the state, that a community pollution problem exists, or that pollution can reasonably be anticipated in the future, he must issue an order to abate pollution to the municipality (S.25-54g). Upon complaint of the selectmen, the state department of environmental protection must investigate any alleged pollution of state streams and issue corrective orders (S.25-27). The governor, when requested by the town, may appoint special policemen to prevent contamination of reservoirs (S.25-44). The town may apply for an injunction to prevent pollution of water supplies and ice (S.25-51).

**Sewer System.** Any town may create a sewer authority to construct and operate a sewer system (S.7-246; S.7-247).

**Vaccination.** The town must pay all or a portion of a general vaccination against smallpox ordered by the town director of health (S.19-95).

**Vital Statistics.** The selectmen must approve appointments of assistant registrars and sub-registrars of vital statistics (S.7-38; S.7-65). Certain fees of registrars are to be paid by the town (S.7-73; S.7-76).

**Notice to Commissioner of Agriculture.** The selectmen must notify the state commissioner of agriculture, conservation and natural resources and the town director of health of any case or suspected case of glanders or farcy (S.22-281).

**Corpses for Anatomical Purposes.** Under specified conditions, the first selectman delivers corpses to the University of Connecticut or Yale University School of Medicine (S.19-139; S.19-140).

## HIGHWAYS

**Towns to Build and Maintain Highways and Bridges.** Towns must build and repair all necessary highways and bridges within their limits. The annual town meeting may provide for the repair of the town's highways for a period of five years. If the town fails to so provide, the selectmen may provide for such repairs for one year (S.13a-99). The annual town meeting may accept as a public highway any proposed highway located in the town (S.13a-48). The state commissioner of transportation may transfer any highway, or

section of highway, in the state highway system to a town (S.13a-44). The commissioner of transportation and the selectmen may enter into an agreement, in writing, under which a designated section of state highway, other than limited access highway, will be maintained by the town (S.13a-97). The transportation commissioner may agree with authorized officials of the town to construct frontage roads along limited access highways (S.13a-98a). The transportation commissioner may agree with authorized municipal officials to construct, reconstruct, improve or widen urban arterial streets in connection with construction or improvement of limited access highways (S.13a-98b). The transportation commissioner may with the concurrence of the municipality request the United States secretary of transportation to approve extensions of the federal-aid highway systems in urban areas and to approve projects which will directly facilitate and control traffic flow (S.13a-98c). The commissioner of transportation and authorized local road or highway officials may select routes to be included in the federal-aid urban highway system (S.13a-98h).

**Superintendent of Highways and Bridges.** Town may vote to appoint a superintendent of highways and bridges to assume the duties of the selectmen with regard to highways and bridges. The selectmen appoint the superintendent for a three-year term (S.13a-8).

**Layout of Highways.** The selectmen may lay out necessary highways. A written survey describing each highway is recorded in the land records of the town (S.13a-61). No individual may lay out a highway and open it to the public without approval of the selectmen. The first selectman must close any street or highway laid out in violation of these provisions (S.13a-71). There is a special procedure for layout and maintenance of highways dividing towns (S.13a-13). If the selectmen refuse to lay out or maintain a highway, any person may apply to the court of common pleas to force action (S.13a-63).

**Discontinuance of Highways.** The selectmen may, subject to town meeting approval, discontinue any town highway or private way except those laid out by any court or the general assembly (S.13a-49). The selectmen must approve discontinuance of highways by a private water company wishing to enlarge a reservoir (S.13a-128).

**Boundaries of Highways.** Whenever the boundaries of any highway are uncertain, the selectmen, on written application of anyone owning property adjoining the highway, may define the boundaries and conduct a hearing on their decision (S.13a-39). Boundaries of new highways must be marked and defined in a specified manner. (S.13a-41).

**Bridges.** No bridge may impair the passage of open-deck vessels used for business purposes (S.13a-112). Bridges over railroads must be a certain height (S.13a-130). The expense of building and repairing bridges between towns is paid by them according to average annual tax receipts (S.13a-100). When a town neglects to construct or repair a highway bridge across a river, the superior court may order the construction or repair (S.13a-102).

**Snow Removal.** The selectmen must open within a reasonable time all highways blocked by snow. Any selectman who fails to open a highway after written request of six taxpayers residing on or near the highway may be fined \$10.00 (S.13a-107). Rural free delivery routes must be opened (S.13a-108).

**Assessment of Highway Benefits and Damages.** The selectmen may assess the benefits of laying out, opening, grading or alteration of any highway against property owners receiving special benefit therefrom. Any property owner is entitled to payment from the town for damage to his property due to highway construction (S.13a-82; S.13a-83; S.13a-84; S.13a-85; S.13a-88).

**Guard Rails.** Sufficient railing or fence must be erected and maintained on bridges and parts of roads which are raised above the adjoining ground. Damage may be recovered for injuries suffered because of lack of guard rails (S.13a-111; S.13a-152).

**Damages due to Defective Roads and Bridges.** Any person injured by means of a defective road or bridge may recover damages from the person responsible for their repair. Notice of the injury and other pertinent information must be given within sixty days, or if the accident is due to ice or snow within thirty days, to a selectman or the town clerk. (S.13a-149).

**Town Aid Funds.** A specified amount of state funds is allocated annually to be used by towns for construction, reconstruction, improvement or maintenance of highways, sections of highways, bridges or structures incidental to highways and bridges or their improvement, including plowing of snow, sanding of icy pavements, trimming and removal of trees, installation, replacement and maintenance of traffic signs, signals and markings, traffic control and vehicular safety programs, traffic and parking planning and administration, and other programs related to highways, traffic and planning. These funds are to be used by the towns under the supervision of the commissioner of transportation, unless the selectmen request in writing that no supervision be furnished (S.13a-175a). The funds allocated under section 13a-175a are distributed among the towns on the basis of the miles of improved road and the ratio between the town's population and the state's population (S.13a-175b; S.13a-175c). In addition, a specified amount of state funds is allocated annually to be distributed pro rata among the towns of the state on the basis of the total mileage of unimproved roads in each town for the improvement of dirt and unimproved roads, including bridges on such roads. These funds are to be expended by the towns under the supervision of the commissioner of transportation, unless the selectmen request in writing that no supervision be furnished (S.13a-175d). Funds under both of these sections are to be distributed to each town semi-annually, one-half in July and one-half in January, or they may be taken from time to time in the form of highway materials, for any purpose enumerated in this part, or for services under agreements between the commissioner of transportation and board of selectmen (S.13a-175e). The transportation commissioner upon reasonable request of the selectmen must furnish supervision, inspectors and engineers for any purpose connected with the laying out, construction, repair, reconstruction or maintenance of any highway or bridge (S.13a-175f).

**Sidewalks.** Any town may build and maintain sidewalks (S.7-117). The town meeting may enact ordinances regulating the construction and maintenance of sidewalks by property owners. The selectmen may construct or repair sidewalks and remove snow and ice from them on neglect of the owner. The cost of this work constitutes a lien against property provided the selectmen file the lien with the town clerk within sixty days of completion of the work (S.7-118). Before a sidewalk is constructed under a town ordinance, the selectmen may make a finding of fact, based on a hearing, that public necessity and convenience require that the sidewalk is needed. After a copy of this finding is given to the property owner, he has twenty days in which to appeal to the court of common pleas (S.7-119).

**Street Numbers.** In the absence of a planning board or commission, the selectmen may assign street numbers (S.7-120).

**Highway Lighting.** Upon request of the town the commissioner of transportation may enter into an agreement with the town to reimburse it for 25 percent of the cost and annual maintenance of new highway lighting installations on agreed portions of state-maintained highways. At the request of the town, a system of street lighting on any bridge may be installed by the state provided the town reimburses the state for the entire cost (S.13a-110).

**Coasting on Highways.** A majority of the selectmen may limit or prohibit coasting on public streets and highways of the town and may issue an order to this effect. The order must be posted in at least ten conspicuous places in the town (S.7-163).

**Expressway Damage to Highways.** When any town highway or bridge is damaged by equipment used in the construction of any expressway, the commissioner of transportation may make an agreement with the town for cost of the repair of this damage. If the town and the commissioner cannot agree on the cost, the town may bring action against the commissioner in the superior or common pleas court (S.13a-148).

## HOUSING

**Housing Authorities.** A housing authority is created in every town and city in the state, but it cannot transact any business until the selectmen declare by resolution that there is a need for a housing authority in the town. Their resolution is based on findings that insanitary or unsafe dwellings exist in the town or that there is a shortage of safe or sanitary dwellings (S.8-40). The selectmen of two or more towns may create a regional housing authority (S.8-40). The selectmen may appropriate funds to the authority to cover its expenses in the first year of operation (S.8-61).

**Commissioners of Housing Authority.** The selectmen appoint five commissioners of the housing authority who are residents of the town and who serve for five-year overlapping terms. Commissioners may not hold any other public office in the town. The selectmen designate the first chairman of the commission (S.8-41). The selectmen may remove commissioners from office for inefficiency, neglect of duty, or misconduct in office (S.8-42).

## LICENSES AND PERMITS

**Advertising Signs.** The consent of the selectmen is necessary before the commissioner of transportation permits erection of certain advertising signs (S.21-61). The selectmen must remove signs displayed contrary to the provisions of Chapter 411 of the general statutes (S.21-60).

**Auctions.** A majority of the selectmen issue licenses for auctions to nonresidents. No license is necessary for sale of provisions, charcoal, wood, products of a farm, and second-hand household furniture (S.21-1; S.21-2).

**Bazaars and Raffles.** The first selectman, in towns in which there is no police chief, issues licenses for bazaars and raffles where these have been approved by the town (S.7-173).

**Billiard or Pool Rooms.** The first selectman grants permits to suitable persons to conduct public billiard and pool rooms and may revoke any permit issued by him (S.53-280). The first selectman may order all public billiard or pool rooms to close at midnight (S.53-281).

**Bingo.** The board of selectmen decides whether the playing of bingo will be permitted in the town and makes rules and regulations governing its playing. The first selectman issues individual permits and may revoke them (S.7-169).

**Crematory.** In towns without zoning commissions, the selectmen approve the location of crematories when they are not located in a cemetery (S.19-165).

**Dangerous Weapons.** The first selectman may issue permits for carrying dangerous weapons (S.53-206).

**Exhibitions.** The selectmen may license and regulate any exhibitions held in the town (S.21-6).

**Fireworks.** Where there is no police or fire department, the first selectman approves applications to the state fire marshal for permits for supervised displays of fireworks by municipalities, fair associations, amusement parks and other organizations (S.29-97).

**Fuel Oil Burners and Storage Tanks.** The selectmen may enact rules and regulations for the installation of fuel oil burners, equipment and storage tanks (S.29-59).

**Games of Chance.** Application by qualified organizations to operate games of chance in the town is made to the first selectman if the town has no police department. (S.7-186b).

**Gasoline.** Applications to the state commissioner of motor vehicles for licenses to sell gasoline must be accompanied by a certificate of approval of the location given by the selectmen, if there is no town manager or zoning board of appeals (S.14-321). A hearing on the application for approval of

the location must be held within a reasonable time after the date of application. The selectmen must take certain factors into consideration before granting the certificate (S.14-322).

**Itinerant Vendors.** An itinerant vendor is any person who engages in a temporary or transient business or who conducts closing-out sales (S.21-27). In addition to a state license, an itinerant vendor must have a license issued by the selectmen in each town where he does business. In order to receive a license a vendor must pay a fee fixed by the selectmen or a fee equal to the amount of taxes assessable in the town on the goods which he is to sell. The license is valid as long as the vendor continuously sells the stock of goods or merchandise, but not longer than the first day of October following its date (S.21-29). Veterans, who served in time of war as defined in section 27-103 and who have been residents of the state for the two years preceding application for a vendor's license, do not have to pay a fee for the license, provided they present proof of residence and service (S.21-30).

**Junk Dealers.** A junk dealer is anyone who engages in the business of selling and trading junk, old metals, scrap, rags, waste paper or other second-hand articles (S.21-9). Any town may regulate licensing of junk dealers by ordinance. A certificate of registration issued by the state police commissioner must be presented by each applicant for a license (S.21-10). The license is issued by the selectmen (S.21-11). The selectmen may examine the dealer's record of his transactions at any time (S.21-11).

**Lodging Houses.** The selectmen may grant licenses to suitable persons to be lodging house keepers and to carry on the business of renting rooms and beds for lodging and may revoke such licenses for cause. A file of all persons lodging in the house must be kept in English and must be open to inspection by the selectmen (S.21-48).

**Motor Vehicle Junk Yards.** A motor vehicle junk yard is any business at which are stored or deposited two or more unregistered motor vehicles no longer in condition for legal use on public highways or parts equivalent to two or more motor vehicles (S.21-15). A certificate of approval of the location of the yard must be issued by the selectmen in towns without a zoning board of appeals before a state license may be obtained (S.21-16). A hearing must be held before approval of the location is granted (S.21-17).

**Motor Vehicle Dealers and Repairers.** To obtain a state license for dealing in and repairing motor vehicles a person must first obtain and present to the commissioner of motor vehicles a certificate of approval of the location of the place of business. This certificate is issued by the selectmen in towns in which there is no zoning board of appeals (S.14-54). A hearing must be held on the application (S.14-55).

**Pawnbrokers.** All persons, corporations or partnerships which loan money on deposits of tangible personal property must be licensed as pawnbrokers (S.21-39). The selectmen may grant and revoke pawnbrokers licenses (S.21-40). Pawnbrokers must keep a record of their transactions which may be examined by the selectmen at any time (S.21-41).

**Refineries.** Refinement of crude or petroleum oils on the shores of any waters of the state must be under the regulation of the selectmen (S.7-160).

**Refuse Treatment Plants.** Permits for operation of plants to treat garbage, refuse, bones, fat or other rejected or unwholesome or waste substances are granted by a commission composed of the selectmen and the town director of health. A hearing must be held on the application for the permit (S.7-161).

**Revolvers and Pistols.** The first selectman may issue permits in a form prescribed by the commissioner of state police for the retail sale of pistols and revolvers or for carrying a pistol or revolver (S.29-28). Applications must be on forms prescribed by the state police commissioner (S.29-28a). Information about the applicant's criminal record must be filed (S.29-29).

**Sunday Entertainments.** The selectmen may vote to allow concerts, motion pictures, dancing, theatrical exhibitions, vaudeville entertainments, sports events, trade shows, horse shows, dog shows, and obedience and field trials for dogs on Sundays. Provision is also made for petitioning by 15 percent of the voters for a vote to permit holding of these events on Sundays (S.7-164; S.7-165; S.7-166; S.7-167; S.7-168).

**Wild Animals.** Transportation of wild animals must be licensed by the first selectman (S.53-185).

## OFFICERS AND EMPLOYEES

**Appointments.** If no provision is made by law for appointment of any town officers, they are to be appointed by the selectmen (S.9-185). Specific provision is made for the selectmen to appoint the following officers:

- Acting tax collector (S.12-137).
- Acting town clerk (S.7-20).
- Assistant town treasurer (S.7-82).
- Aviation commission (S.15-80)
- Board of finance, at time of establishment (S.7-340).
- Cemetery committee (S.19-153).
- Civil service commission (S.7-408).
- Director of health (S.19-75; S.19-77).
- Dog warden (S.22-331).
- Economic development commission (S.7-136).
- Examiner of land records (S.7-14).
- Fire marshal (S.29-45).
- Gas or electrical commission (S.7-216).
- Health, board of a district department (S.19-106).
- Housing authority commissioners (S.8-41).
- Jury committee (S.51-221).
- Measurer of wood (S.43-27).
- Oyster committee (S.26-238).
- Parking authority (S.7-203).
- Police surgeon (S.7-291).

Redevelopment agency (S.8-126).  
Special constables (S.7-91; S.7-92; S.7-93; S.7-94; S.7-95; S.7-96; S.26-6a).  
Superintendent of highways and bridges (S.13a-8).  
Town manager (S.7-98).  
Tree warden (S.23-58).  
Welfare advisory board (S.7-127).

**Approval of Appointments.** The selectmen must approve the appointments of:

Assistant registrar of vital statistics (S.7-38).  
Assistant town clerk (S.7-19).  
Sub-registrar of vital statistics (S.7-65).

**Removals.** Specific provision is made for the selectmen to remove the following officials:

Civil service commission (S.7-408).  
Dog warden (S.22-335).  
Fire marshal (S.29-46).  
Housing authority commissioners (S.8-42).  
Superintendent of highways and bridges (13a-8).

**Resignations.** A town clerk desiring to resign from office submits his resignation in writing to the selectmen. The resignation becomes effective on the date specified by the retiring officer or, if no date is specified, upon the date of its submission. All other officers wishing to resign submit their resignations to the town clerk (S.7-103).

**Compensation Fixed by Selectmen.** The selectmen are required to fix the compensation of the following officers:

Assessors, if not set by the town (S.12-121).  
Board of tax review, if not set by the town (S.12-121).  
Police surgeon (S.7-291).  
Registrars of voters, deputy registrars, and assistants (S.9-194).  
Tree warden and deputies, if not set by the town (S.23-58).  
Town clerk, registrar of voters and deputy registrar for certain duties in connection with elections (S.9-124).  
Town clerk, compensation for all required services not fixed by statute (S.7-34a).

**Official Bonds.** The selectmen must fix the amount of the bond of the following officers:

Acting tax collector (S.12-137).  
Assistant town treasurer (S.7-82).  
Assistant town clerk (S.7-19).  
Constables and special constables (S.7-86; S.7-93).  
Gas or electrical commissioners (S.7-216).  
Superintendent of highways and bridges (S.13a-9).

Tax collector (S.12-136).  
Town clerk (S.7-16).  
Town treasurer (S.7-79; S.7-355; S.45-85).

**Vacancies.** Except as otherwise provided by law, the selectmen may fill vacancies on town boards and commissions if the board or commission fails to do so within thirty days after the vacancy occurs (S.7-107). Vacancies in elective town offices must be filled at the next town election or at a special election; but until the vacancy is so filled, it must be filled by appointment of the selectmen. The selectmen fill all vacancies in offices to which they have the power of appointment (S.9-220). The statutes make specific provision for the selectmen to fill vacancies in the following offices:

Board of gas and electrical commissioners (S.7-216).  
Board of police commissioners (S.7-275).  
Civil service commissioners (S.7-408).  
Economic development commission (S.7-136).  
Registrar of voters (S.9-192).  
Town manager (S.7-98).

The first selectman must notify the secretary of the state of a vacancy in the office of town clerk within five days after the vacancy occurs (S.9-223).

**Oaths.** After the election or appointment of any town officers of whom an oath is required by law, the selectmen must immediately cause them to be sworn to faithful discharge of their respective duties (S.7-12).

**Conflicts of Interest.** Any municipality may by ordinance or regulation prohibit any member or employee of any municipal board or agency or any municipal official, officer or employee from (1) being financially interested or having a beneficial interest, either directly or indirectly, in any contract or purchase order for supplies, materials, equipment or contractual services furnished to or used by the municipality board or agency and (2) accepting or receiving, directly or indirectly, from any person, firm or corporation to which a contract or purchase order may be awarded by the municipality, money or anything of value or any promise, obligation or contract for future reward or compensation. Penalties for violation of this ordinance or regulation may be provided (S.7-479).

**Merit System for Town Employees.** The town meeting may submit the question of the adoption of a merit system for town employees as provided for in sections 7-407 through 7-424 of the general statutes to a referendum vote at a special or regular election (S.7-407). Within thirty days of the approval of the merit system, the chief executive officer of the town must appoint a civil service commission of three members for six-year overlapping terms. No more than two commissioners may be of the same political party; none may hold a position with the federal, state or town government. The chief executive officer may remove any commissioner for specified causes and may fill vacancies on the commission (S.7-408).

**Retirement System for Town Employees.** Any town may by a resolution, passed by the selectmen and subject to referendum, accept sections

7-425 through 7-459 which provide for the town's participation in the Connecticut municipal employees retirement system (S.7-427).

**Minority Representation.** The maximum number of members of any elected or appointed town board, commission or committee who may be members of the same political party is: two if total membership is three; three if total membership is four; four if total membership is five or six; five if total membership is seven or eight; six if total membership is nine; two-thirds if total membership is over nine. A special procedure is to be followed in determining the majority and minority party. These provisions do not change the membership of any board or commission which has a greater degree of minority representation (S.9-167a).

**Liability for Employee's Damages.** Any town must pay all sums which a town employee, except firemen covered under section 7-308, becomes obligated to pay by reason of liability imposed by law for physical damages to person or property if the employee was at the time acting in the performance of his duties and within the scope of his employment and if the damage did not result from a willful or wanton act of the employee (S.7-465).

**First Selectman Ex Officio Board Member.** Unless otherwise provided by law, the first selectman, in each town in which the board of selectmen is the executive authority, is an ex officio member, without vote, of all town boards, commissions and committees. This provision does not affect any special acts which give the first selectman power to vote on boards, commissions and committees (S.7-12a).

## PENALTIES

Throughout the general statutes there are various provisions penalizing the selectmen for neglect or wrongful performance of duty or violation of law. The penalties are usually fine or imprisonment or both. Penalties are provided for the following violations:

1. For willfully authorizing or contracting for expenditures or debts in excess of appropriations except for the necessary repair of roads or bridges or support of schools or paupers (S.4-100).
2. For neglecting to perform the duties of office (S.7-104).
3. For failure to use proper form of selectmen's orders (S.7-13).
4. For failure to require of the town treasurer a sufficient bond (S.7-12).
5. For failure to carry out duties in connection with indexing and preservation of land records (S.7-14).
6. For employment of private detectives, not in accordance with the statutes (S.7-238).
7. For expending, in a town with a board of finance, money not appropriated in accordance with the statutes (S.7-349).
8. For a false report on finances of the town (S.7-398).

9. For failure to comply with the law on uniform accounting systems (S.7-399).
10. For failure to warn an election (S.9-350).
11. For being in session for the purpose of admitting electors except on days prescribed by law (S.9-349).
12. For neglect of duty or fraud in connection with elections or admission of electors (S.9-355).
13. For violating specified provisions of the statutes on the levy, assessment and collection of taxes (S.12-150; S.12-170).
14. For failure to open highway blocked with snow (S.13a-107).
15. For failure to report the existence of glanders or farcy (S.22-281).
16. For delivering a corpse for medical study in violation of law (S.19-444).
17. For keeping sums in excess of salary, for taking a bribe, for fraud, and for embezzlement (S.53a-118; S.53a-119; S.53a-122; S.53a-147; S.53a-148; S.53a-161).

### **PLANNING, ZONING AND REDEVELOPMENT**

**Planning Commission.** The ordinance creating a planning commission must provide for its election or appointment and fix the term of office of its members. The chief executive officer of the town is a member of the commission without voting privileges (S.8-19).

**Municipal Improvements.** No action may be taken by any town agency or by the town meeting on any proposal involving the location, acceptance, abandonment, widening, narrowing or extension of streets, bridges, parkways or other public ways, the location, relocation, acquisition of land for, or the abandonment, sale or lease of, airports, parks, playgrounds and other town owned properties and public buildings, the extent and location of public utilities and terminals, or the extent and location of public housing and redevelopment of specific areas until it has been referred to the planning commission for a report (S.8-24).

**Zoning Commission.** A town meeting may vote to create a zoning commission. In towns of less than 5,000 population, the selectmen may be empowered to act as the zoning commission (S.8-1).

**Combined Planning and Zoning Commission.** Any town may by ordinance or by vote of its legislative body designate its zoning commission or its planning commission as the planning and zoning commission (S.8-4a). Any town which has combined its commissions under section 8-4a may by ordinance or vote of its legislative body reverse the designation (S.8-4b).

**Alternate Members of Planning and Zoning Commissions.** Any town may provide by ordinance for appointment or election of three alternate members to its zoning commission, planning commission, or combined planning

and zoning commission. Alternate members must be electors of the town and may not be members of the zoning board of appeals or planning commission (S.8-1b.).

**Zoning Board of Appeals.** Every municipality which has a zoning commission must have a zoning board of appeals of five regular members and three alternates. The town's members and alternates are elected or appointed as prescribed by ordinance. Vacancies among the members or alternates are filled by the board of selectmen of towns (S.8-5).

**Redevelopment Agency.** The town may create a new redevelopment agency to consist of electors of the town or may designate the town housing authority, the state public works commissioner, or other appropriate state agency as the redevelopment agency of the town. The members of a new agency are appointed by the selectmen with approval of the town meeting. The agency has five members appointed for five-year overlapping terms. (S.8-126).

## PUBLIC UTILITIES

**Gas and Electric Companies.** When the town operates a gas or electric plant, the selectmen may direct that additional financial information be furnished by the board of commissioners, superintendent or clerk of the plant (S.7-221).

**Complaint of Dangerous Conditions.** The town may make a written complaint to the public utilities commission of defects in the plant or equipment of a public service corporation which endanger public health and safety (S.16-12). The town may also complain of danger to pipes and conductors from escaping electricity. (S.16-14).

**Telegraph, Telephone, Power and Water Companies.** The selectmen have full direction and control of placement, erection and maintenance of wires, conductors, fixtures, structures and apparatus of telegraph, telephone, power, and water companies and may designate the kind, quality and finish of installations. The selectmen may make regulations to carry out this power (S.16-235). The selectmen may regulate street openings and excavations (S.16-229; S.16-231). The town may use certain telephone and telegraph lines for municipal signal wires (S.16-233). The selectmen are to be notified by the public utilities commission of a hearing on construction or extension of a telephone system (S.16-250).

**Motor Buses and Taxicabs.** The town may petition the public utilities commission concerning the routes, fares, speed, schedules, continuity of service and convenience and safety of passengers of motor bus companies and taxicabs. The commission must notify the first selectman of a hearing on an application for operation of motor buses and taxicabs in the town (S.16-309; S.16-320).

**Livery Service.** The public utilities commission must notify the first selectman of a hearing on an application for operation of a motor vehicle in livery service (S.16-326).

**Rates.** The town may complain to the public utilities commission regarding discriminatory or unreasonable rates of public service corporations (S.16-21).

**Railroads.** The public utilities commission must notify the selectmen of an order permitting the construction of a railroad at a highway grade crossing and of hearings to determine whether a grade crossing should be eliminated or whether obstruction to view should be removed (S.16-97; S.16-102; S.16-109).

The selectman may request the public utilities commission to:

1. Order a railroad company to relocate a highway near a railroad (S.16-113; S.16-115).
2. Order elimination of a grade crossing (S.16-100).
3. Order a railroad to comply with the law requiring guard rails (S.16-121).
4. Make orders concerning commercial or industrial sidetracks at grade (S.16-135).
5. Order non-use or regulate use of tracks for switching purposes (S.16-157).
6. Regulate blowing of engine whistles (S.16-149; S.16-150).
7. Order installation of gates, flagmen or signal devices (S.16-159).
8. Order a railroad to stop a passenger train at a station (S.16-139).
9. Order a railroad to bulletin late arrival and departure of trains (S.16-170).
10. Examine any railway or street railway in the town (S.16-51).

The selectman may complain to the public utilities commission regarding connecting facilities and approve petitions to the commission by individuals aggrieved by lack of connecting facilities (S.16-64; S.16-61).

The town must place and maintain signs, furnished by railroad companies, at grade crossings (S.16-160). The town may construct, with permission of the public utilities commission, footways on the line of any railroad bridge or causeway (S.16-124). The state must reimburse the town for the removal of certain grade crossings (S.16-112).

## RECORDS AND DOCUMENTS

**Books and Files for Records.** The town clerk must provide suitable books, files or systems, approved by the public records administrator, for the keeping of the records in his custody and may purchase stationery and other office supplies necessary for the proper maintenance of his office. These books, files and systems and stationery and office supplies are paid for by the town, and the selectmen, on presentation of a bill for them properly certified by the town clerk must draw their order on the treasurer in payment for them (S.7-24).

**Fireproof Vaults.** All public records of the town must be kept in fire-resistant vaults, safes or buildings (S.7-27).

**General Index of Land Records.** In all towns in which there is no general index of the land records, the selectmen must have one prepared at town expense by some competent person under the supervision of the public records administration (S.7-14).

**Examination of Land Records.** The selectmen shall annually appoint some suitable person to examine the indexes of the land records of their town for the preceding year and to note and report in writing to the town clerk all errors and omissions in the same. This person shall examine the land records and note all omissions by the town clerk or assistant town clerk to attest the records of conveyances as provided in section 7-14. The selectmen must send to the public records administrator, on or before December thirtieth of each year, a certificate that the examination of indexes and inspection of records required by section 7-14 has been completed, along with a summary statement of the results of the examination and inspection. Selectmen who fail to comply with the provisions of this section may be fined not less than \$5.00 nor more than \$25.00 (S.7-14).

**Repair of Records.** The selectmen must annually ascertain the condition of all town records and have any volume repaired or rebound where this is necessary for its preservation (S.7-14).

**Probate Records.** The town must provide fire-resistive vaults or safes and books and supplies for records of the probate court (S.45-14; S.45-12).

**Destruction of Records.** Approval of the administrative head of the municipality and of the public records administrator is necessary before any document may be destroyed. Documents relating to any matter which has been disposed of and of which no record is required by law to be kept may be destroyed after the document has been held for the period of time specified in a retention schedule published by the public records administrator (S.7-109). Original land records which have been photographed, microphotographed, or reproduced on film according to the requirements of section 1-16 and 7-27a may be destroyed with the permission of the administrative head of the municipality and public records administrator (S.7-27a).

**Delivery to State Librarian.** Any official of the town may turn over to the state librarian, with his consent, for preservation in the state library, any official records and documents not in use in his office (S.11-4).

**Photographic Reproduction.** Any officer of the town may have records, papers or documents photographed, microphotographed or reproduced on film (S.1-16). These reproductions are considered for all purposes the same as originals (S.1-17). The originals of records so reproduced may be disposed of in any manner approved by the selectmen, the attorney general, and the examiner of public records (S.1-18).

**Access to Public Records.** As custodian of many of the administrative records of the town, the selectmen have a significant responsibility regarding

public access to these records. Section 1-19 of the general statutes requires that, except as otherwise provided by any federal or state statute or regulation, all records made, maintained or kept on file by any executive, administrative, legislative or judicial body, agency, commission or official of the town, whether or not such records are required by any law or by any rule or regulation, shall be public records. Further, every resident of the state has the right to inspect or copy such records at such reasonable times as may be determined by their custodian. Records in their custody must be kept by these officials at their regular office or place of business in an accessible place (S.1-19). Certain records are deemed not to be public records under this section. These are: (1) internal personnel rules and practices of the body, agency, commission or official; (2) trade secrets and commercial or financial information obtained from the public; (3) inter-agency or intra-agency memoranda or letters dealing solely with matters of law or policy; (4) personnel medical files and similar files the disclosure of which would constitute an invasion of personal privacy; and (5) investigatory files compiled for law enforcement purposes, except to the extent available by law to a private citizen (S.1-19).

**Refusal of Access to Records.** The officials named in section 1-19 may refuse permission to inspect or copy records if such would adversely affect the public security or the financial interests of the state or any of its political subdivisions or if the denial is necessary to provide reasonable protection to the reputation of any person. The denial of the right of inspection of public records shall be made to the person, in writing, generally stating the reason for denial within eight days of the request. Appeal from the denial can be taken, within fifteen days, to the circuit court (S.1-19).

## TOWN MEETINGS

**Warning and Notice.** The warning of each town meeting must specify the objects for which the meeting is to be held. It must be signed by at least a majority of the selectmen. Notice of a town meeting is given by (1) publishing a written warning signed by the selectmen in a newspaper published in the town or having general circulation in the town and (2) by posting the warning on a signpost or other exterior place nearest to the office of the town clerk and in other places designated by the annual town meeting. The warning must be published and posted at least five days previous to holding the meeting, including the day that notice is given and any intervening Sunday or legal holiday but excluding the day of the meeting. The selectmen must file a copy of the warning, on or before the day of the meeting, with the town clerk who records it (S.7-3). The person who publishes and posts the warning must make a written statement that proper notice was given to the town clerk who records it with the records of the meeting (S.7-4).

**Annual Town Meeting.** Except as otherwise provided by law, an annual town meeting must be held on the first Monday of October (S.7-1).

**Special Town Meetings.** The selectmen may convene special town meetings when they deem it necessary. They must warn a special town meeting when twenty persons qualified to vote in town meetings petition for it. The meeting must be held within twenty-one days after the petition is

filed (S.7-1). An ordinance may be adopted providing that the selectmen warn a special town meeting on application of fifty persons qualified to vote in town meeting (S.7-2).

**Eligibility to Vote.** At any town meeting, any person who is an elector of the town may vote and any citizen eighteen years of age or more who, jointly or severally, is liable to the town for taxes assessed against him on an assessment of not less than \$1,000 on the last completed grand list or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25) or (26) of section 12-81 of the general statutes may vote unless restricted by the provisions of any special act relating to the town (S.7-6).

**Petition for Town Vote.** Two hundred or more persons qualified to vote in town meeting may petition the town clerk, in writing at least twenty-four hours prior to the meeting, requesting that any item or items on the call of the meeting be submitted to the persons qualified to vote in the meeting for a vote by paper ballot or by a "yes" or "no" vote on the voting machines. The referendum must be held not less than seven or more than fourteen days thereafter, on a day to be set by the town meeting or, if the meeting does not set a date, by the selectmen during the hours between 12:00 noon and 8:00 p.m. Any town may by vote of its legislative body provide for an earlier hour for opening the polls but not earlier than 6:00 a.m. When such a petition has been filed, the moderator of the meeting, after completion of other business and after reasonable discussion, shall adjourn the meeting and order the vote on such item or items in accordance with the petition (S.7-7).

The general statutes make provision in section 7-9 for the form of petitions for a vote of the electors or voters. They also provide that no petition for any action for a vote by the electors or voters at any regular or special town meeting shall be valid unless the petition has been circulated by a person resident or eligible to vote in such town (S.7-9a).

**Time of Voting at Referenda.** When a town conducts a referendum on a day other than a state or local election, the polls must be open between 12:00 noon and 8:00 p.m. The town may by vote of its legislative body provide for an earlier opening but not earlier than 6:00 a.m. (S.7-9b). A referendum may be held on any date set by the legislative body, provided it shall be not earlier than the thirtieth day following the day when the town clerk issues a warning for it as instructed by the legislative body and further provided that if a question is to be submitted at an election as defined in section 9-1 the provisions of sections 9-369, 9-369a, and 9-370 shall apply (S.7-9c). This section does not apply to votes scheduled pursuant to section 7-7.

## TOWN REPORT

**Annual Town Report.** In towns without a board of finance, the selectmen must prepare and publish an annual report. The report, which must be available for distribution, contains reports of town officers and boards which are required by law to be included, a statement of the amount re-

ceived by the town under part IIa of Chapter 240, an itemized statement of the disposition of these funds, and any other matter which the selectmen deem advisable to include. Towns with a population of 5,000 or less, as computed by the state tax commissioner, must publish their receipts and expenditures and the names of all persons, firms, or corporations, other than recipients of support under chapter 308, receiving money from the town, together with the total amount of payments in excess of \$50.00 to each, unless the town has a bookkeeping system approved by the tax commissioner setting forth all the receipts and expenditures in detail (S.7-406).

**Required Statements.** The following statements must be included in the annual report. Statements marked with an asterisk may be filed with the town clerk in lieu of their inclusion in the town report:

1. An itemized estimate of the current expenses of the departments of the town for the coming year (S.12-122).
2. The amount of each uncollectible property tax transferred to the suspense tax book during the last fiscal year and the name of the person against whom the tax was liened (S.12-165).\*
3. A list of taxes abated (S.12-124).
4. A list of taxes refunded (S.12-129).\*
5. The certified statement of the tax collector required to be filed under section 12-167.
6. The recommendations and comments of the independent auditor (S.7-394).
7. The report of the town treasurer on any municipal reserve funds (S.7-363).
8. The report of the disbursements of the superintendent of highways and bridges (S.13a-10).
9. The report of the secretary of the board of education and the superintendent of schools or supervising agent (S.10-224).

## TRAFFIC REGULATION

**Traffic Authority.** The board of selectmen serves as the town traffic authority when there is no police force in the town or in a city or borough within the town (S.14-297). The traffic authority may designate throughways, one-way streets, safety zones, bus stops and public service motor vehicle stands, taxi stands, loading and unloading zones and pedestrian cross walks and may make parking restrictions (S.14-300 through S.14-308).

**Traffic Control Signals.** Installation of all traffic control signal lights in the town must be approved by the state traffic commission (S.14-299).

**Speed Limits.** The town traffic authority may establish speed limits on streets, highways and bridges, parking areas for ten or more cars, or on any private road, wholly within the town subject to approval of the state traffic commission (S.14-219).

**Regulations on State Highways.** No traffic control devices may be installed or maintained on any state highway or bridge on these highways or within the right of way of any such highway or bridge without consent and written approval of the state traffic commission (S.14-309).

**Decorations near Traffic Control Signals.** No decorations may be installed within the limits of any street or highway without a permit issued by the traffic authority. A clear view of all traffic control signals must be maintained (S.13a-122).

## TREES AND FORESTS

**Tree Warden.** The selectmen of each town must appoint a tree warden within thirty days after their election. The tree warden is appointed for a term of one year and until his successor is appointed and qualified (S.23-58).

**Compensation of Tree Warden.** The tree warden and his deputies receive reasonable compensation as determined by the town or the selectmen (S.23-58).

**Deputy Tree Warden.** Any tree warden may appoint as many deputies as he deems expedient and may remove them from office (S.23-58).

**Regulations of the Warden.** Regulations of the tree warden when approved by the selectmen have the force of town ordinances (S.23-59).

**Removal of Trees.** When public safety demands, the tree warden may order removal or pruning of any tree or shrub under his control. The selectmen must pay any reasonable charge for this work. With approval of the selectmen the tree warden may remove any trees or plants under his jurisdiction which are hosts of insects or fungous pests. (S.23-59).

**State Forester.** Any town may request the cooperation of the state forester in the preparation of plans for protection and management of publicly-owned woodlots or timber tracts, establishment of forest plantations, and marketing of forest products (S.23-20).

**Transfer of Open Spaces.** Any town and the state park and forest commission may agree to transfer control of open spaces from one to the other (S.23-12).

**Maintenance of Abandoned Highways.** The state forest fire warden may, with written agreement of the selectmen, maintain certain abandoned highways for forest fire prevention (S.23-51).

## WELFARE

**Town Support.** Each town, through its selectmen, must furnish necessary support to all paupers therein or sent from such town to any licensed institution, unless support is otherwise provided for by the state (S.17-292). All persons who cannot support themselves and who have no relatives of

sufficient ability who are obligated by law to support them must be provided for and supported by the town in which they reside, or, if they have no residence, by the town in which they become in need of aid (S.17-273; S.17-273b).

**Medical Treatment.** The town must provide medical treatment and necessary hospitalization for all persons being supported by the town (S.17-274). The selectmen may contract with the Institute of Living in Hartford for treatment of any mentally ill persons for whom the town is required to furnish support (S.17-275).

**Reimbursement for Support.** Any person who has been supported in whole or in part by the town is liable to pay the cost of such support or a reasonable amount thereof. His executor, administrator or conservator is so liable if there are sufficient assets in the estate of the person, and the amount may be recovered in a civil action (S.17-277).

**Request for Town Support.** Before any person receives town support, he must make a written request for it to the selectmen accompanied by a full statement of his financial condition which is signed and sworn to. Requests for medical care and hospitalization may be signed by the person or institution furnishing such care (S.17-278). Any person who has control of any property belonging to a person applying for support must make a full statement of this property (S.17-279). Special provision is made for granting of support to owners of real estate (S.17-280; S.17-281).

**Burial of Poor Persons.** The selectmen must provide decent burial for persons leaving insufficient estate or having no legally liable relatives (S.17-286).

**Almshouses.** The town may establish one or more almshouses for the admission of poor persons. The selectmen must provide medical examinations for almshouse residents and must apply for commitment to state institutions of mentally ill or deficient residents (S.17-289).

**Records and Reports.** The selectmen must keep complete and accurate records of persons receiving town support. Monthly reports, or as required, must be made to the state welfare commissioner of the number of persons supported and the cost of support; reports must be on forms approved by the commissioner (S.17-291).

**State Aid.** At the end of each quarter, one of the selectmen or the official charged with administration of general assistance in the town must send to the state welfare commissioner a statement of the cost to the town of general assistance during the quarter. The report must be on a form prescribed by the commissioner and must be signed and sworn to. "Cost" is defined to mean the actual relief expenditure not including administrative cost, and expenditures for medical care may not exceed the amounts set forth in the schedules promulgated by the state commissioner of finance and control. The welfare commissioner, if he is satisfied that the statement from the town is substantially correct, certifies it to the state comptroller who reimburses the town for 90 percent of general assistance expenditures.

This payment is in lieu of all other payments to the town for reimbursement for relief expenditures. If the town recovers any portion of relief payments from the recipient, it must reimburse the state for its portion of the original expense (S.17-292).

If the welfare commissioner rejects a town claim for reimbursement, the town may appeal his decision to a committee of the general assembly provided for in section 17-292b. Dispute between a town and a hospital as to payment for treatment of welfare recipients may be referred to the welfare commissioner (S.17-292).

**Delegation to Municipal Welfare Departments.** The welfare commissioner may delegate his powers and duties relating to the administration of public assistance to the aged, blind, disabled, and dependent children to the director of public assistance in any town or city when it is maintaining a welfare department which is capable of performing duties in accordance with standards established by him (S.17-9). Two or more towns, by vote of their legislative bodies, may establish a district for administration of one or more of the programs enumerated in section 17-9 (S.17-9a).

**Support by Relatives.** The husband, wife, father, mother or children of a poor person must provide for his support. The town may apply to the circuit court for enforcement of this requirement (S.17-320; S.17-321; S.17-322).

**Applications for State Assistance.** Applications for public assistance from the state under chapter 302 of the general statutes may be made to the local officer charged with administration of public assistance in the town where the applicant resides or directly to the state welfare commissioner (S.17-82b). Forms for applications are provided by the commissioner (S.17-82a).

**Placement of Children.** The selectmen may place, for a period not exceeding thirty days, any mentally retarded, neglected or uncared for child in any licensed child care facility within the state or with a person related by blood to the child. The selectmen must, if possible, select a home, agency, institution, or person of like religious faith to that of a parent of such child, if this faith is known or can be ascertained by reasonable inquiry, provided the home conforms to the standards of the welfare commissioner. The selectmen must forthwith but within seven days notify the welfare commissioner of the beginning and termination of the placement. The commissioner may supervise the care and placement of the child and make orders for his welfare (S.17-40).

**Commitment of Children.** Any selectman having information that a child is neglected, uncared for or dependent may file with the juvenile court in the district where the child is a resident, a verified petition stating the facts that bring the child within the jurisdiction of the court (S.17-62).

**Crippled Children.** The selectmen may apply to the Newington Children's Hospital or New Haven Orphan Asylum for admission of certain crippled children (S.17-307; S.17-309).

**Adoption.** The selectmen may give in adoption any foundling minor in their charge (S.45-61).

**Commitment of Alcoholics.** When any person has become so addicted to the intemperate use of alcohol as to have lost the power of self-control, the selectmen may apply to the probate court for an inquiry leading to commitment to an appropriate hospital (S.17-155g).

**Commitment of Mentally Ill Persons.** If any mentally ill person is at large and dangerous to the community, the selectmen may make a written complaint to the probate court (S.17-177). A penalty is provided for persons who wilfully attempt false commitment. (S.17-184).

**Guardian.** A selectman may apply to the probate court for removal of a guardian (S.45-43).

**Conservator.** The selectmen may apply to the probate court for appointment of a conservator for a person who is incapable of managing his affairs (S.45-70). The court notifies one of the selectmen of hearings on applications for conservators (S.45-71). The selectmen may apply for appointment of a new conservator for a person who has moved from another town (S.45-78).

**Detention Homes.** Towns may provide detention homes for children or for persons accused of crimes who, in the opinion of the judge or prosecutor need reformative rather than punitive treatment (S.17-46).

## MISCELLANEOUS

**Airports.** When the town votes to establish an aviation commission to administer ordinances concerning airports, landing fields and aeronautics, the selectmen appoint the members of the commission (S.15-80).

**Cemeteries.** The selectmen must care for neglected cemeteries (S.19-159). The selectmen designate a person to receive and expend income from funds donated for the care of cemeteries (S.19-155).

**Eminent Domain.** The town may take property by eminent domain for a town hall and other necessary buildings; for schoolhouses and other school purposes; for a public square, commons, or parks; for a building for protection of records against fire (S.48-3; S.48-5; S.48-7; S.48-8; S.48-12).

**Evicted Tenant.** When a tenant is evicted and fails to remove his personal effects from the sidewalk, street or highway within twenty-four hours, the selectmen must remove and store them. If the tenant does not claim them within fifteen days, they may be sold at auction (S.52-549).

**Fences.** The selectmen may be called upon to settle disputes over division fences (S.47-49 through S.47-56).

**Hearings before the Board of Selectmen.** The first selectman may administer oaths in any matter before the board of selectmen (S.1-24; S.1-22; S.1-23; S.1-25).

**Interlocal Agreements.** Any public agency of the state may enter into an interlocal agreement with any public agency or agencies of this state or any other state (S.7-339b). A public agency is defined as any city, town or borough, any district defined in section 7-234, any metropolitan district, municipal district created under section 7-330, and any local governmental unit, subdivision or special district or another state (S.7-339a). The purposes for which an interlocal agreement may be made are defined in section 7-339b.

**Jury Committee.** In January every year the selectmen must appoint three electors of the town, no more than two of whom belong to the same political party, to serve as a jury committee. The first selectman must notify the superior court clerk of the names and addresses of the committee (S.51-221).

**Liquor Control.** The selectmen must warn of a referendum on the sale of alcoholic beverages or beer when such vote has been petitioned for (S.30-10). The selectmen must prepare a list of persons known to use alcoholic liquor and to whom town support has been furnished within the past six months; this list must be given to all liquor permittees in the town (S.30-83). The selectmen must forbid the permittees in the town to sell liquor to persons who drink excessively on complaint (S.30-84).

**Memorial Day and Old Home Week.** Appropriations for the observance of Memorial Day and Old Home Week are expended under direction of the selectmen (S.7-125).

**Receivers for Associations.** Under certain conditions, the selectmen may apply in the name of the town to the superior court for the appointment of a receiver of the property of an association, community or corporation (S.52-505).

**Shellfish Grounds.** The selectmen may appoint a committee to designate suitable places for planting or cultivating oysters, clams or mussels (S.26-238). The selectmen or the committee assigns grounds for individuals to cultivate (S.26-240; S.26-242; S.26-243). The selectmen approve construction of dams on saltwater creeks and inlets (S.26-248). The selectmen may determine the quantity of clams which may be taken in one day and prohibit taking of clams to protect natural beds (S.26-235).

**Signposts.** One or more town signposts for the posting of legal notices must be erected and maintained in every town at locations designated by the selectmen. Any town meeting may order erection of additional signposts. The selectmen may change the location of any signpost, but the change must be approved at the next annual town meeting (S.7-102).

**Stray Animals and Lost Goods.** The selectmen may impound certain stray animals (S.22-368). Two selectmen must determine the sufficiency of the fence around the enclosure into which animals have strayed (S.22-370). Lost animals and goods unclaimed after twelve months may be recovered by the selectmen for use of the town (S.50-7).

**Suits against the Town.** In suits against the town, process is served on the town clerk or one of the selectmen (S.52-57).

**Trustee.** The selectmen may apply to the probate court for appointment of a trustee for the estate of a person who has disappeared (S.45-87).

**Veterans.** The selectmen may apply to the veterans' home and hospital commission for headstones or a memorial stone for veterans who died overseas and whose bodies were not returned for interment (S.27-120; S.27-121). The selectmen pay burial expenses of veterans whose estate is insufficient to pay them (S.27-118). The selectmen annually appoint a three-member committee to see that veterans' graves are cared for (S.27-123).

# PART III

## INDEX TO GENERAL STATUTES CONCERNING SELECTMEN

References in this index are to the General Statutes of Connecticut, Revision of 1958, as amended. The first number in the citation refers to the title in which the section is located, and the second number refers to the section of that title. For example, 12-127 refers to section 127 of Title 12.

### A

- Abatement of taxes
  - of blind persons 12-127
  - of corporations 12-125
  - of poor persons 12-124
  - paid in two towns 12-126
- Accounting
  - expenditures 7-12
  - selectmen's orders 7-399
- Acting director of health, appointment of 19-75
- Acting tax collector, appointment of 12-137
- Acting town clerk, appointment of 7-20
- Admission of electors
  - board for admission of electors 9-15c
  - by town clerk or registrar of voters 9-19b, 9-20
  - failure of registrar to enter name 9-44
  - instruction of electors 9-22
  - members of armed forces 9-25
  - procedure for 9-20
  - qualifications of electors 9-12; Conn. Constitution, Article Sixth, sec. 1; U.S. Constitution, 26th Amendment; Federal Voting Rights Act
  - Amendments of 1970
  - rejected applicants 9-31j, 9-31k
  - session of board 9-17, 9-17a, 9-18a, 9-19
- Advertising signs 21-60; 21-61
- Airports
  - aviation commission 15-80
  - contracts by town 15-83
  - establishment of 15-79
  - federal aid 15-82
  - leasing of facilities 15-84
  - state aid 15-85
  - technical services from state 15-86
  - zoning 15-88—15-96
- Alternate members, planning and zoning commission 8-1b
- Alternate members, zoning board of appeals 8-5
- Annual audit 7-392
- Annual budget meeting 7-388
- Annual town meeting 7-1

Appointments by selectmen 9-185  
acting director of health 19-74  
acting tax collector 12-137  
acting town clerk 7-20  
assistant town treasurer 7-82  
aviation commission 15-80  
board of finance 7-340  
cemetary committee 19-153  
civil service commission 7-408  
director of health 19-75  
dog warden 22-331  
economic development commission 7-136  
examiner of land records 7-14  
fire marshal 29-45  
gas or electrical commission 7-216  
health, district board 19-106  
housing authority commissioners 8-41  
jury committee 51-221  
measurer of wood 43-27  
oyster committee 26-238  
parking authority 7-203  
police surgeon 7-291  
redevelopment agency 8-126  
special constables 7-91—7-96; 26-6a  
superintendent of highways and bridges 13a-8  
town manager 7-98  
tree warden 23-58  
welfare advisory board 7-127

Appropriations  
before budget adopted 7-405  
expenditures not to exceed 7-348  
penalty for exceeding 4-100  
request for additional 7-348

Assessment of benefits and damages for public works 7-139—7-145

Assessment of real estate for rental housing 12-65

Assessors, compensation of 12-121

Assistant medical examiner 6-54

Assistant registrars of vital statistics, 7-38

Assistant town clerk 7-19

Assistant town treasurer 7-82

Auctions 21-1, 21-2

Audit, annual 7-392, 7-394, 7-396

Aviation commission 15-80

## B

Ballots, paper 9-270—9-306

Bazaars and raffles  
application for 7-173, 7-180  
defined 7-170  
financial report 7-182, 7-183  
investigation of applicants 7-174  
permit fees 7-176  
permit, issuance of 7-173  
permit, revocation of 7-181

permits 7-175  
petition for special meeting to approve 7-171  
restrictions on 7-177, 7-178, 7-179  
warning of meeting to approve 7-171

Beach association 7-324

Benefits, assessment of  
for public works 7-139—7-142  
for highways 13a-82—13a-85, 13a-88

Billiard or pool rooms 53-280, 53-281

Bingo

operator's records, inspection of 7-169 (h)  
permit, application for 7-169 (e), (f), (g)  
permit, revocation of 7-169 (i)  
regulations governing 7-169 (c)

Birth records, examination of 7-51

Board for admission of electors, see Admission of electors

Board of finance, appointment 7-340

Board of tax review 12-121

Bond, selectmen's 7-11

Bonds, municipal

anticipation notes 7-378  
for emergencies 7-379  
fiscal year change 7-382, 7-385, 7-386  
interest rate 7-370  
limitation on indebtedness 7-371  
maturity of 7-370  
serial form of 7-371

Boundaries, highway 13a-39, 13a-41

Boundaries, town

markers 7-113  
renewal 7-114  
settlement of disputes 7-115

Bridges, see Highways

Building inspection

first selectman as building inspector 19-391  
order for correction of abuses 19-379  
safety requirement in churches and schools 19-377  
state building code 19-396

Budget

itemized estimate of expenses 12-122  
requirements under uniform fiscal year 7-388, 7-390

## C

Cemeteries

funds 19-153, 19-155  
neglected 19-159  
regulation of 19-148

Cemetery committee, appointment of 19-153

Charter, see Home rule charter

Civil defense  
advisory council, appointment of 28-7  
director, appointment of 28-7  
federal aid 28-15  
local emergency 28-7  
outside aid 28-8

Civil service board, appointment of 7-408

Claims against town 7-12

Collection of taxes, see Tax collection, Tax collector

Collective bargaining 7-467—7-479

Compensation of town officials, fixed by selectmen  
assessors 12-121  
board of tax review 12-121  
deputy registrars of voters 9-194  
police surgeon 7-291  
registrars of voters 9-194  
tree warden and deputies 23-58  
town clerk 9-194, 7-34a

Concerts, Sunday 7-164

Conflicts of interest 7-479

Constables, bond of 7-86

Corpses for anatomical purposes 19-139, 19-140

Crematories 19-165

## D

Damage, liability for town employees' 7-465

Damages, assessment of  
highways 13a-82—13a-85, 13a-88  
public works 7-143

Dangerous weapons, permits for 53-206

Deposit, town funds  
authorization for 7-402  
custodian account 7-403  
designation of depositories 7-400, 7-401

Director of health, appointment of 19-75, 19-75a, 19-77, 19-82

District department of health 19-106

Districts  
board of municipal district, appointment of 7-330  
district meeting, warning 7-325  
port 7-329a

Documents  
annual examination 7-14  
destruction of 7-109  
disposition after reproduction 1-18  
photographic reproduction 1-16, 1-17  
public access to 1-19, 1-20

Dog damage  
compensation for 22-355  
estimate of 22-355

Dog pound 22-336

Dogs

- complaint of nuisance 22-363
- notice of registration 22-337
- regional canine control officers 22-331a

Dog shows and trials on Sunday 7-168

Dog warden, appointment of 22-331, 22-335

E

Economic development commission 7-136

Education

- dissolved school district 10-246
- hardship grant 10-288
- school district tax 12-200
- truant officers 10-201

Elections, see also Admission of electors, Voting machines

- contested 9-328
- distance markers 9-236
- failure to warn 9-350
- incompatible town offices 9-210
- referendum, procedure for 9-369
- rooms for 9-240
- sample ballot labels 9-255
- selectmen 9-188
- special town 9-164
- state, polling place 9-169
- town offices 9-185
- vacancies in town office 9-220
- voting machines 9-238, 9-238a, 9-240, 9-240a
- warning of 9-164, 9-226, 9-227

Electors, see Admission of electors

Elector's oath 1-25

Electric companies, see Gas and electric companies

Eminent domain 48-3, 48-7, 48-8, 48-12

Employees, town

- group benefits 7-646
- leave of absence, military service 7-461, 7-462
- liability of town for damages 7-465

Evicted tenant 52-549

Examiner of land records 7-14

Exhibitions, licensing of 21-6

Expenditures

- before adoption of budget 7-405
- not to exceed appropriations 7-348
- penalty for exceeding appropriations 4-100
- planning commission 8-22
- request for additional appropriations 7-348

F

Farcy, report to agriculture commissioner 22-281

Field trials, Sunday 7-168

**Fences, settlement of disputes** 47-49—47-56

**Finance, see also Appropriations, Budget, Expenditures**  
abatement of taxes 12-124—12-129  
accounts 7-399  
additional appropriations 7-348, 7-405  
annual audit 7-392  
bonds and borrowing 7-370  
budget 12-122, 7-388, 7-344, 7-390  
deferred tax collection 12-174  
deposit of town funds 7-400, 7-401  
investment of town funds 7-400, 7-401  
rate bill 12-123, 12-130, 12-134  
refund of taxes 12-124—12-129  
selectmen's orders 7-12, 7-13, 7-83  
tax collector 12-136, 12-137, 12-147, 12-154  
tax liens 12-170  
tax receipts 12-151  
town treasurer 7-79, 7-80, 7-82, 7-355  
transfers to suspense 12-165  
uniform fiscal year 7-382—7-390

**Fire and sewer district** 7-324

**Fire department** 7-301

**Fire district** 7-324

**Fire marshal** 29-45, 29-45a, 29-46, 29-48

**Fire police** 7-313a

**Fire resistive vaults** 7-27

**Fireworks** 29-97

**First selectman**

bond of 7-11  
as building inspector 19-391  
election of 9-188  
notice of names of jury committee 51-221  
notice of vacancy in town clerk's office 9-223  
oaths in hearings before board 1-22, 1-23, 1-24, 1-25  
permits for bazaars and raffles 7-173  
permits for billiard and pool rooms 7-169  
permits for fireworks displays 29-67  
permits for revolvers and pistols 29-28  
qualifications for office 9-186  
vacancy in office 9-222

**Fuel oil burners** 29-59

## G

**Gas and electric companies, municipal**

board of commissioners of 7-216  
establishment of 7-213, 7-215  
reports of 7-221

**Gasoline stations**

hearing on location 14-322  
location of 14-321  
request to motor vehicle commissioner 14-323

**Glanders, report to commissioner of agriculture** 22-281

**Guideposts at highway intersections** 13a-111, 13a-152

## H

Health, director of 19-75, 19-75a, 19-77, 19-82

Health, district department of 19-106

### Highways

acceptance by town 13a-48  
assessments of benefits and damages 13a-82—13a-85, 13a-88  
boundaries, new highways 13a-41  
boundaries, selectmen to define 13a-49  
damages due to defective 13a-149  
damage due to expressway construction 13a-148  
discontinuance 13a-49, 13a-128  
federal-aid highways in urban areas 13a-98c  
first selectman may close 13a-71  
frontage roads 13a-98b  
guard rails 13a-111, 13a-152  
layout, appeal to courts 13a-63  
layout by individuals to be approved 13a-71  
layout by selectmen 13a-61  
layout when towns divided 13a-13  
lighting 13a-110  
maintenance of state 13a-97  
maintenance when towns divided 13a-13  
routes for federal-aid urban highways system 13a-98h  
sidewalks 7-117; 7-118; 7-119  
snow removal 13a-107, 13a-108  
street numbers 7-120  
superintendent of highways and bridges 13a-8  
town aid funds 13a-175a—13a-175f  
town to build 13a-99  
transfer to town 13a-44

### Home rule charter

approval of 7-191  
charter commission 7-190  
public hearing 7-191  
recommendations on 7-191  
referendum 7-191  
report to appointing authority 7-191  
required provisions 7-193  
selectmen as appointing authority 7-187  
vote to draft 7-188

Home rule ordinance 7-188, 7-191

Horse shows, Sunday 7-168

Housing authority 8-40, 8-41, 8-61

## I

Improvement association 7-324

Index, land records 7-14

Investment of town funds 7-400, 7-401

Itinerant vendors 21-27, 21-29, 21-30

## J

Junk dealers 21-9, 21-10, 21-11

Junk yards, motor vehicle 21-15, 21-16, 21-17

Jury committee 51-221

## L

Land records, examination of 7-14

Liability for employees' damages 7-465

Licenses and permits

- advertising signs 21-61
- auctions 21-1, 21-2
- bazaars and raffles 7-173
- billard or pool rooms 53-280
- bingo 7-169
- crematory 19-165
- dangerous weapons 53-206
- exhibitions 21-6
- firearms, sale of 29-28, 29-28a, 29-29
- fireworks 29-97
- fuel oil burners and storage tanks 29-59
- gasoline stations 14-321, 14-322
- itinerant vendors 21-27, 21-29, 21-30
- junk dealers 21-9, 21-11
- junk yards, motor vehicle 21-15, 21-16, 21-17
- lodging houses 21-48
- motor vehicle dealers 14-54
- pawn brokers 21-39, 21-40, 21-41
- refineries 7-160
- refuse treatment plants 7-161
- Sunday events 7-164—7-168
- wild animals, transportation of 53-185

Lighting district 7-324

Lodging houses 21-48

## M

Measurer of wood, appointment of 43-27

Meetings, board of selectmen 1-21

Memorial day, observance of 7-125

Memorials, erection on town property 4-135

Merit system for town employees 7-407, 7-408

Minority representation

- board of selectmen 9-188
- town boards and commissions 9-167a

Motion pictures, Sunday 7-165

Motor vehicle dealers and repairers 14-54, 14-55, 14-56

Motor vehicle junk yards 21-15, 21-16, 21-17

Municipal improvements 8-24

Municipal reserve fund 7-361, 7-362, 7-364

## O

Oath of office

- form of 1-25
- certificate recorded 7-10
- selectmen to administer 7-12
- selectmen to be sworn 7-10

Old home week 7-125

**Orders, selectmen's**  
account of 7-12  
form of 7-13, 7-399  
report of 7-12

**Ordinances, publication of** 7-148a

**Oyster commission** 26-238

## P

**Parking authority**  
appointment of 7-203  
financing of parking facilities 7-205—7-210  
powers of 7-204

**Pasteur treatment, selectmen to provide** 22-360

**Pawnbrokers**  
licenses for 21-39, 21-40  
weekly reports 21-43

**Penalties against selectmen**  
bribes, frauds and embezzlement 53a-118, 53a-119, 53a-122, 53a-147,  
53a-148, 53a-161  
delivering corpse for medical study 19-444  
election fraud 9-355  
employment of private detectives 7-238  
expenditures in excess of appropriations 4-100, 7-349  
failure to index land records 7-14  
failure to open highway 13a-107  
failure to report glanders or farcy 22-281  
failure to require sufficient bond 7-12  
failure to use selectmen's orders 7-13  
failure to warn election 9-350  
false report of finances 7-398  
illegal admission of electors 9-349  
levy and collection of taxes 12-150, 12-170  
neglecting to perform duties 7-104  
uniform accounting system 7-399

**Planning commission**  
alternate members 8-1b  
approval of municipal improvements 8-24  
chief executive nonvoting member 8-19  
selection of members 8-19

**Planning and zoning commission** 8-4a, 8-4b, 8-1b

**Police assistance between municipalities** 7-277a

**Police commissioners** 7-274, 7-275

**Police powers of selectmen** 53-169, 53-171, 53-179, 54-49, 7-15, 7-134

**Police surgeon** 7-291

**Polling places** 9-236, 9-240

**Port authority** 7-329a

**Port district** 7-329a

**Public utilities**  
complaint of dangerous conditions 16-12, 16-14  
gas and electric companies 7-221  
livery service 16-326  
motor buses 16-309, 16-320

power companies 16-229, 16-231, 16-235  
rates 16-21  
taxicabs 16-309, 16-320  
telephone and telegraph companies 16-233, 16-235, 16-250  
Water companies 16-229, 16-231, 16-235

## R

Raffles 7-173

### Railroads

arrivals and departures 16-170  
connecting facilities 16-64  
construction 16-97, 16-102, 16-109  
engine whistles 16-149, 16-150  
footways 16-124  
gates 16-159  
gate crossing 16-100, 16-160, 16-112  
guardrails 16-121  
highway 16-113, 16-115  
sidetracks 16-135  
signal devices 16-159  
stops 16-139  
street railways 16-51  
switching 16-157

Rate bill 12-123, 12-130—12-134

### Records, public

access to 1-19  
books and files for 7-24  
delivery to state librarian 11-4  
destruction of 7-109, 7-27a  
examination of 7-14  
index of land records 7-14  
photographic reproduction 1-16, 1-17, 1-18  
probate records 45-14, 45-12  
vaults for 7-27

Redevelopment agency 8-126

Refineries 7-160

Refund of taxes 12-124—12-129

Refuse treatment plants 7-161

Registrars of voters 9-194

Resignation of town officers 7-103

Retirement system, town employees 7-427

Revolvers and pistols 29-28, 29-28a, 29-29

## S

School districts, consolidation of 7-200

Selectmen, office of  
election 9-188  
incompatible town offices 9-210  
qualifications of 9-186

Selectmen's orders 7-13, 7-399

Sewerage system  
assessment of benefits 7-249—7-254

charges for use of 7-255, 7-258  
issuance of bonds 7-259, 7-269  
powers of sewer authority 7-247, 7-248  
sewer authority 7-246

**Shellfish grounds**  
assignment to individuals 26-240, 26-242, 26-243  
committee to designate oyster, clam and mussel beds 26-238  
dams on saltwater creeks and inlets 26-248  
limitations on taking clams 26-235

**Sidewalks**  
construction and maintenance 7-118, 7-119  
town may build 7-117

**Signposts** 7-102

**Snow removal** 13a-107, 13a-108

**Special acts, publication of** 7-148a

**Special constables** 7-91, 7-96, 26-6a

**Special town election** 9-164

**Special town meeting** 7-1, 7-2

**Sports events, Sunday** 7-167

**Stray animals** 22-368, 22-370

**Stream pollution**  
complaint to state department of health 25-27  
injunction to prevent contamination 25-51  
orders from state to abate 25-54g  
special policemen for reservoirs 25-44

**Street numbers** 7-120

**Suits against town** 52-57

**Subregistrars of vital statistics** 7-65

**Sunday entertainments**  
concerts 7-164  
dancing 7-165  
dog shows and trials 7-167  
horse shows 7-167  
motion pictures 7-165  
sports events 7-167  
theatrical exhibitions 7-166  
trade shows 7-168  
vaudeville entertainments 7-166

**Superintendent of highways and bridges** 13a-8

**Swamp lands** 19-86

T

**Tax collection**  
abatement 12-124—12-129  
actions against collector 12-154  
deferred collection 12-174  
lists of taxpayers 12-149  
number of tax accounts 12-134  
rate bill 12-130, 12-123  
receipts for taxes collected 12-151

- tax due date 12-142
- tax liens 12-179, 12-170
- transfers to suspense 12-165
- Tax collector**
  - action 12-137
  - actions against 12-154
  - bond 12-136
  - deputy 12-136
- Tax liens** 12-179
- Tax rate** 12-122, 12-123
- Term of office, selectmen**, 9-187, 9-165
- Theatrical entertainments, Sunday** 7-166
- Town clerk** 9-194, 7-34a
- Town manager** 7-98
- Town meetings**
  - annual 7-1
  - eligibility to vote 7-6
  - petition for town vote 7-7, 7-9a
  - special 7-1, 7-2
  - voting at referenda 7-9c
  - warning and notice 7-3, 7-4
- Town report**
  - auditors recommendations 7-394
  - board of education report 10-224
  - estimate of current expenses 12-122
  - reserve fund 7-363
  - statement of tax collector 12-167
  - superintendent of highways and bridges 13a-10
  - tax abatements 12-124
  - tax refunds 12-129
  - transfers to suspense 12-165
  - treasurer's report 7-363
- Traffic regulation**
  - control signals 14-299, 13a-122
  - speed limits 14-219
  - state highways 14-309
  - traffic authority 14-297, 14-300—14-308
- Treasurer, town**
  - amount of bond 7-79, 7-355
  - assistant 7-82
  - bond of 7-12
  - report of reserve fund 7-363
- Trees and forests**
  - abandoned highways 23-51
  - regulations of tree warden 23-59
  - removal of trees 23-59
  - state forester 23-20
  - transfer of open spaces 23-12
  - tree warden 23-58
- U**
- Uniform fiscal year**
  - annual budget meeting 7-388
  - bond issue to finance change 7-384, 7-385, 7-386
  - date of town election 7-387

publication of budget 7-390  
surplus to finance change 7-289  
vote to conform 7-382

## V

Vacancies in town office 7-107, 9-220

Vaccination 19-95

Village district 7-324

Vital statistics

assistant registrar 7-38  
binder for records 7-41  
examination of birth records 7-51  
subregistrars 7-65

Voting machines

examination of 9-240a  
notice to secretary of the state 9-238, 9-238a  
restrictions on machines used 9-238  
selectmen to provide 9-240, 9-238  
spare machines 9-238

## W

Warning, town election 9-226, 9-227, 9-269

Warning, town meeting 7-3

Warrant for tax collection 12-130, 12-135

Water pollution 25-54g, 25-27, 25-44, 25-51

Waterworks, municipal 7-234—7-238

Welfare

alcoholics 17-155g  
almshouses 17-289  
applications for state assistance 17-82a  
burial 17-286  
children 17-40, 17-62, 17-307, 17-309  
conservator 45-70, 45-71, 45-78  
delegation to municipal departments 17-9, 17-9a  
guardian 45-43  
medical treatment 17-275  
mentally ill persons 17-177, 17-184  
records and reports 17-291  
reimbursement for support 17-277  
state aid 17-292  
support by relatives 17-320, 17-321, 17-322  
town support 17-292, 17-273, 17-273b, 17-278—17-281

Welfare advisory board 7-127

Wild animals, permits for transportation 53-185

## Z

Zoning board of appeals 8-5

Zoning commission 8-1, 8-1b

# INDEX

## A

Abatement of taxes: see also Refunds  
application for 16  
of corporations 16  
paid in more than one town 16  
of poor persons 16

### Accounts

approval of different system 15-16  
distribution book 15  
selectmen's orders 15, 18  
verified under oath 18

Admission of electors: see also Board for admission of electors, Registry lists  
instruction of electors 13  
members of armed forces 13  
procedure before board 13  
qualifications of electors 11-12  
by town clerk or registrar 12-13

### Adoption 40

Advertising signs, permits for 24

### Airports 40

Annual town report: see Town report

### Appropriations, additional 15

Assistant town treasurer 17, 26, 27

Auctions, licenses for 24

### Audit, annual

approval of auditor by state 17  
selection of auditor 17  
by state tax department 17

### Aviation commission 40

## B

### Ballots: see Elections

Bazaars, licenses for 24

Benefits, assessment of 22

Billiard rooms, permits for 24

Bingo, licenses for 24

Board for admission of electors: see also Admission of electors

membership of 11  
procedure before 13  
sessions, mandatory 12  
sessions, optional 12

### Bond issues

maturity of 16  
rate of interest 16

### Bond, official

assistant town treasurer 17, 27  
first selectman 4

selectmen 4

tax collector 16, 27

town officers 27-28

town treasurer 17, 28

### Boundaries of highways 21

### Boundaries of town

markers 6

penalty for failure to review 6

review of 6

### Bridges: see also Highways

between towns 21

damages due to defective 22

guard rails 22

not to close waterways 21

over railroads 21

over rivers 21

superintendent of 21

town to build 20

town to maintain 20

### Budget, town

estimate of expenses 15

under uniform fiscal year 15

### Building code, state

administrative officer for 7

joint officer 7

### Building inspection

building inspector 7

examination of buildings 6

order for closing of buildings 6

safety requirements in churches 6

Building inspection, continued  
safety requirements in schoolhouses 6

state building code 7  
Building inspector  
duties of 7  
first selectman as 7  
right of entry 7

## C

### Cemeteries

custodian of funds 40  
neglected 40

### Charter, home rule

approval of 7-8  
commission, appointment of 7  
commission, minority representation on 7  
commission, number of members 7  
recommendations to commission 7  
report of commission 7  
publication of 8  
public hearing on 8  
referendum on 8  
rejection of 7-8  
vote to draft 7

Chief executive officer, selectmen as 2-3

### Children

committed 39  
crippled 39  
detention homes 40  
guardian, removal of 40

### Collective bargaining

approval of agreement 9  
chief executive and 9  
duty to bargain 9  
negotiations 9  
right to bargain 9  
written agreement 9

### Concerts, Sunday 26

Conservator, appointment of 40

Constables, special, appointment of 27

### Civil defense

advisory council, appointment of 8  
assistance from other towns 8  
director, appointment of 8  
emergency, local 8  
federal aid 8

Crematory, permit for 24

## D

Damages, assessment of 22

Dangerous weapons, permits for 24

Dealers, motor vehicle, licenses for 25

Deferred collection 17

Depositories for town funds 17

### Districts

definition of 9  
formation of 9  
notice of meeting to form 9  
port 10

Documents, see Records

### Dog damage

compensation for 10-11

estimate of 10

Dog, pound 11

### Dogs

Pasteur treatment 11

registration of 11

Dog shows and trials, Sunday 26

Dog warden, appointment of 10

## E

### Education

hardship grant, application for 11

school district tax 11

truant officers, compensation of 11

Election of selectmen

bond of selectmen 4

first selectman 4

**Election of selectmen, continued**  
incompatible town offices 4  
minority representation on board 4  
number of selectmen 4  
oath of office 4  
qualifications 4  
vacancy in office 4  
**Elections:** see also Board for Admission of Electors, Admission of Electors, Registry List  
distance markers 13  
notice of town 14-15  
polling place 13  
voting machine booths 13  
voting machines 13-14  
**Electric companies** 31  
**Eminent domain**, power of town 40  
**Employees, town:** see also Officers  
merit system 28  
retirement system 28-29  
**Evicted tenant** 40  
**Exhibitions, licenses for** 24  
**Expenditures**  
before appropriations 15  
not to exceed appropriations 15  
request for additional appropriations 15

## F

**Farcy, notice of** 20  
**Fences, dispute over** 40  
**Finance:** see also Abatements, Refunds, Accounts, Annual audit, Bond issues, Budget, Expenditures, Reserve fund, Tax collection, Tax collector, Town treasurer  
appeal from action of tax commissioner 18  
deposit of town funds 17  
investment of town funds 17  
reserve fund, municipal 18  
**Fire department**  
equipment for 18  
establishment of 18  
regulation of 18  
volunteer companies, agreements with 18  
**Fire marshal, appointment of** 18  
**Fire police, appointment of** 18  
**Fireworks displays, permits for** 24  
**First selectman**  
bond of 4  
as building inspector 7  
ex officio board member 29  
**Forest fire prevention** 37  
**Fuel oil burners, regulation of** 24  
**Fuel oil storage tanks, regulation of** 24

## G

**Gas companies** 31  
**Gasoline stations, licenses for** 24-25  
**Glanders, notice of** 20

## H

**Health**  
corpses for anatomical purposes 20  
farcy, notice of 20  
glanders, notice of 20  
sewer system 20  
swamp lands, drainage of 20  
vaccination 20  
vital statistics 20  
**Health, district department of**  
appointment of board members 20  
**Health, town director of**  
appointment of 19, 26  
certificate of appointment 19  
regulations of 19  
**Hearings before board of selectmen** 40  
**Highways:** see also Bridges  
abandoned 37  
acceptance of 20  
appeal when town refuses to lay out 20  
boundaries of 21  
closing of 21

**Highways:** see also Bridges, continued  
damages due to defective 22  
discontinuance by water company 21  
discontinuance of 21  
expressway damage to 23  
guard rails 22  
improvement of unimproved roads 22  
layout by selectmen 21  
layout to be approved 21  
layout when highway divides towns 21  
lighting 23  
sidewalks 23  
snow removal 22  
speed limits on 36  
street numbers 23  
superintendent of 21  
town aid funds 22  
town to build 20  
town to maintain 20  
traffic regulation 36  
**Home rule charter:** see Charter, home rule  
**Home rule ordinance** 8  
**Housing authority**  
appropriations for 23  
commissioners, appointment of 23, 26  
commissioners, removal of 23, 27  
declaration of need 23  
regional 23

## I

**Interlocal agreements** 41  
**Investment of town funds** 17  
**Itinerant vendors**  
definition of 25  
state license for 25  
town license for 25

## J

**Jury committee, appointment of** 41  
**Junk dealers**  
definition of 25  
licenses of 25  
record of transactions 25  
**Junk yard, motor vehicle** 25

## L

**Land records**  
examination of 33  
general index 33  
**Licenses:** see also Permits  
auctions 24  
bazaars 24  
bingo 24  
exhibitions 24  
fuel oil burners 24  
fuel oil storage tanks 24  
gasoline stations 24  
itinerant vendors 25  
junk dealers 25  
lodging houses 25  
motor vehicle dealers 25  
motor vehicle junk yard 25  
motor vehicle repairers 25  
pawnbrokers 25  
raffles 24  
**Liens, tax** 17  
**Lighting of highways** 23  
**Liquor control** 41  
**Livery service** 31  
**Lodging houses, licenses of** 25  
**Lost goods** 41

## M

**Meetings of board of selectmen** 4-5  
**Memorial day, expenditures for observance of** 41  
**Memorials, veterans'** 42

Minority representation  
on board of selectmen 4  
on town boards and commissions 29  
Motion pictures, Sunday 26  
Motor buses 31  
Motor vehicle dealers, licenses of 25  
Motor vehicle junk yard, licenses of 25  
Motor vehicle repairers, licenses of 25

## O

Oath of office 4  
Officers, town: see also Employees  
    appointment of 26-27  
    approval of appointments 27  
    bonds of 27-28  
    compensation, fixing of 27  
    first selectman ex officio board member 29  
    minority representation on boards 29  
    oath of office 28  
    removal of 27  
    resignation of 27  
    vacancies 28  
Old home week, expenditures for observance of 41  
Open space, transfer of 37  
Ordinances, home rule 28  
Ordinances, publication of 28

## P

Pasteur treatment 11  
Pawnbrokers, licenses of 25  
Photographic reproduction of records 33  
Pistols, permits for 26  
Planning  
    approval of improvements 30  
    commission 30  
Property, town 41  
Penalties against selectmen 29-30  
Permits: see also Licenses  
    advertising signs 24  
    billiard rooms 24  
    concerts, Sunday 26  
    crematory 24  
    dangerous weapons 24  
    dog shows, Sunday 26  
    fireworks displays 24  
    motion pictures, Sunday 26  
    pistols 26  
    pool rooms 24  
    refuse treatment plants 25  
    revolvers 26  
    sports events, Sunday 26  
    theatrical entertainments, Sunday 26  
Planning and zoning commission 30  
Police commissioners, board of 19  
Police protection  
    assistance between municipalities 19  
    detection of crime 19  
    dispersal of riotous assemblies 19  
    lockup 19  
    reward for information 19  
Police surgeon 19  
Polling places, see Elections  
Pool rooms, permits for 24  
Port authority 10  
Port district 10  
Power companies 31  
Public records: see Records  
Public utilities: see also Railroads  
    complaint of escaping electricity 31  
    electric companies 31  
    gas companies 31  
    livery service 31  
    motor buses 31  
    power companies 31  
    rates of 32  
    taxis 31  
    telegraph companies 31  
    telephone companies 31  
    water companies 31

## R

Raffles, licenses for 24  
Railroads  
    bulletin of late trains 32  
    connecting facilities 32  
    examination of 32  
    flagmen 32  
    footpaths on bridges 32  
    gates 32  
    grade crossings 32  
    guard rails 32  
    highway near 32  
    removal of grade crossing 32  
    sidetracks 32  
    signal devices 32  
    signals at crossings 32  
    tracks for switching 32  
    train stops 32  
    whistles; regulation of 32  
Rate bills 16  
Receivers for associations 41  
Records: see also Documents  
    destruction of 33  
    delivery to state librarian 33  
    fireproof vaults 32  
    land, general index of 32  
    photographic reproduction 33  
    probate, vaults for 33  
    public access to 33-34  
    repair of 33  
Redevelopment agency 31  
Refineries, regulation of 26  
Refund of taxes  
    application for 16  
    of blind persons 16  
    excess payments 16  
    paid in more than one town 16  
    permits for 16  
    of veterans 16  
Repairers, motor vehicle, licenses of 25  
Reserve fund, municipal  
    payments into 18  
    recommendation of 18  
    use of 18  
Revolvers, permits for 26

## S

Sanitation, see Health  
School district, tax of 11  
Selectmen's orders 15, 18  
Sewer system 20  
Sidewalks  
    construction of by property owners 23  
    hearing before construction 23  
    snow removal on 23  
    town may build 23  
Signposts, town 41  
Shellfish grounds  
    assignment of 41  
    dams on saltwater creeks 41  
    designation of 41  
    regulation of clam taking 41  
Snow removal 22  
Special acts, publication of 8  
Special constables 19, 27  
Special town meetings 34-35  
Speed limits 36  
Sports events, Sunday 26  
State forester 37  
Stray animals 41  
Stream pollution 20  
Street numbers 23  
Suits against town 42  
Support of paupers: see also Welfare  
    almshouses 38  
    burial 38  
    medical treatment 38  
    mental treatment 38  
    records of 38  
    by relatives 39  
    request for 38  
    reports of 38  
    state aid 38  
    by town 37-38

**T**

Tax collection: see also Abatements, Refunds  
 deferred collection 17  
 lists of taxpayers 17  
 numbers for accounts 16  
 poor debtor's oath 16  
 rate bills 16  
 rate book 16  
 receipt for taxes 16  
 transfers to suspense 16-17  
 tax liens 17  
 Tax collector  
 actions against 17  
 acting, appointment of 16  
 bond of 16  
 refusal to perform duties 16  
 Taxicabs 31  
 Tax liens 17  
 Telegraph companies 31  
 Telephone companies 31  
 Theatrical entertainments, Sunday 26  
 Town aid road funds: see also Highways  
 agreements with state 22  
 allocation of 22  
 improvement of unimproved roads 22  
 purchase of right of way 22  
 uses of 22  
 Town clerk 10, 33  
 Town deposit fund, treasurer of 17  
 Town meeting  
 adjournment of 35  
 annual, date of 34  
 notice of 34  
 special 34-35  
 warning of 34  
 Town report, annual  
 content of 35  
 required reports 36  
 Traffic authority 36  
 Traffic regulation  
 control signals 36  
 decorations near signals 37  
 loading zones 36  
 one way streets 36  
 parking restrictions 36  
 pedestrian cross walks 36  
 safety zones 36  
 speed limits 36  
 on state highways 37  
 taxi stands 36  
 throughways 36  
 Transfers to suspense 16-17  
 Treasurer, town  
 assistant 17, 26, 28  
 bond of 17, 28  
 deposit of funds 17

Treasurer, town, continued  
 depositories, designation of 17  
 record of receipts 17

Trees  
 protection of 37  
 removal of 37  
 transfer of open spaces 37  
 Tree warden  
 appointment of 27, 37  
 compensation of 27, 37  
 deputy 37  
 regulations of 37  
 term of office 37  
 Truant officers, compensation 11  
 Trustee for estate, appointment of 42

**U**

Uniform fiscal year  
 budget under 18  
 change to 18

**V**

Vacancies, filling of 28  
 Vacancy, office of selectman 4  
 Veterans  
 burial expenses of 42  
 care of graves 42  
 memorials for 42  
 Vital statistics  
 assistant registrar of 20, 27  
 fees of registrars 20  
 subregistrars of 20, 27  
 Voting machines 13-14

**W**

Warning  
 of town election 14-15  
 of town meeting 34-35  
 Water companies 31  
 Water pollution 20  
 Welfare: see also Support  
 adoption 40  
 committed children 39  
 conservator, appointment of 40  
 detention homes 40  
 guardians, removal of 39  
 mentally ill, commitment of 39

**Z**

Zoning board of appeals 31  
 Zoning commission 30





